

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4685 of 2018

Biju Ram Maravi, S/o. Sukuram Maravi, Aged About 23 Years, By Caste Gond, R/o. Village Gangamudapara, Kiwai, Balenga, P. S. Benur, Distt. Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Benur, Distt. Kondagaon Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/08/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2017, registered at Police Station- Benur, District – Kondagaon (C.G.) for the offence punishable under Section 302 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after some time, if occasion arises.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 10.10.2017. No case is made out against him according to the material present in the charge-sheet. The important witnesses of this case have been examined before the trial Court, the witnesses of the spot and witnesses of extra judicial confession have turned hostile, hence, under these circumstances, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that on the date of incident, during the quarrel with his brother, the deceased Mehattar Maravi, this applicant assaulted him with a wooden article used in milling of paddy at home causing fatal injuries to him, which resulted in his death.
6. Considered the submissions made and the contents of the case diary. The eye-witnesses in this case have been examined before the trial Court. Perused the certified copy of the deposition of the witnesses examined before the trial Court. The eye-witnesses have turned hostile and not supported the prosecution case. Similarly the witnesses of extra judicial confession is also examined and has also been turned hostile. Looking to the development that taken place in this case, this Court is of the opinion that present is a fit case, in which, this applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge