

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4804 of 2018

- Motiram Baiga S/o Dalsai Baiga Aged About 40 Years R/o Village Jardol, Police Station Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Janakpur, District Korea, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	: Mrs. Indira Tripathi, Advocate
For State/respondent	: Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.29/2018, registered at Police-Station-Janakpur, District-Korea(C.G.) for the offence punishable under Sections 302, 201 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 14.03.2018. No case is made out against him. Applicant has been roped as an accused in this case only on the basis of the

memorandum statement given by him, which is not legally admissible evidence. The recovery of mobile phone and one torch from the applicant has no connection with the crime committed, and the FSL report is also negative with respect to the articles seized from the possession of this applicant. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On 8.3.2018 the dead body of Suresh Baiga was found in the jungle path. Morgue intimation was recorded and after morgue inquiry, offence was registered. During investigation, the applicant has made a confessional statement before the police and at his instance one torch and one mobile phone of the deceased has been recovered. Hence, this case.
6. Considered on all the material present in the case diary, without commenting on the merits of case, I am of this view that present is a fit case where the applicant should be granted regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge