

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4840 of 2018**

Rohit Kumar Baghel, S/o. Sukh Ram, Aged About 38 Years, Caste Satnami, R/o. Village Pendrawan, P. S. Sarsiva, Tahsil Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghavendra Pradhan &
Mr. D.P. Kurre, Advocates

For Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**31/07/2018**

1. This is the first 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.66/2018, registered at Police Station- Sarsiva, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 23.03.2018. No case is made out against him. Hence, 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. It is submitted that there is circumstantial evidence against the applicant about the commission of offence of murder. Hence, he may not be released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that he has committed the offence of murder of the deceased by throttling him to death.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, there is no eye-witness and neither there is any witness of last seen together. Although the death of the deceased appears to be homicidal in nature according to the postmortem report. After considering the evidence present in the case diary, which has been formed the basis of the prosecution against the applicant, this Court is of the opinion that present is a fit case, in which, the 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