

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5330 of 2018**

Wilson Lal @ Raja S/o Late Jeevan Lal Aged About 35 Years R/o Shakti Ward
Bhatapara, Police Station Bhatapara (City) District Baloda Bazar-Bhatapara
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Bhatapara (City) District Baloda Bazar-Bhatapara Chhattisgarh

----Non-applicant

For Applicant	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 268/2017 registered at Police Station Bhatapara (City) District Baloda Bazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 302, 201, 34 of Indian Penal Code.
2. The present applicant is in jail since 28.08.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of the prosecution is that the present applicant in connivance with the co-accused Vinay @ Pappu is said to have assaulted the deceased Rutlal, the wife of the present applicant. On account of the injuries sustained, she later succumbed.
4. The counsel for the applicant submits that even if the entire version of the prosecution is accepted, even then it would establish that the present applicant was not played any vital role for the murder of the deceased Rutlal and it was

the co-accused Vinay @ Pappu, who has assaulted the deceased. The only allegation against the present applicant is of using foul language and provoking the co-accused Vinay @ Pappu in eliminating the deceased.

5. The State counsel however opposing the bail application submits that it is a case where the present applicant inspite of the fact that the deceased was his wife did not come forward to her rescue, and neither did he take any steps for stopping the accused from assaulting, rather on the contrary present applicant is said to have instigated the co-accused Vinay @ Pappu for committing the said offence. Thus the present applicant does not deserve bail.
6. Having heard the contentions put forth on either side and on perusal of record, except for the allegation of use of foul language and to some extent of instigating the co-accused Vinay @ Pappu, when the co-accused was assaulting the deceased, there does not appear to be any other active participation on the part of the present applicant in the commission of the offence. Moreover from the statement of witnesses it appears that the fight also was started first by the co-accused. Under the circumstances, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge