

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5820 of 2018

Kamta Prasad Sahu S/o Dhanau Ram Sahu, aged about 27 years, R/o Kanakot, Chowki Machandur, P.S. Utai, District- Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- The Station House Officer, Police Station- Utai, District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. N.S. Dhurandhar, Advocate
For Respondent	:	Mr. Neeraj K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

11/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 118/2018 registered at Police Station- Utai, District- Durg (C.G.) for the offence punishable under Sections 302, 201 and 376/34 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per prosecution story, on 03/04/2018 the deceased, a girl aged about 17 years had gone to settle the cattle in her new house and she did not return at night. A report in this regard was made. Thereafter, search was made. Later on, her dead body was found in the Parawat of one – Bajrang Singh Rajput. During investigation, it was found that co-accused Shiv Bharti committed sexual intercourse with the deceased and committed her murder. Thereafter, to hide the evidence, he along with the present applicant, by taking the dead body of the deceased through motor-cycle, burned the same in the Parawat

of one- Bajrang Rajput. Offence has been registered and the applicant has been arrested on 04/04/2018.

3. Learned counsel appearing on behalf of the applicant submits the applicant is innocent and has been falsely implicated in the present case. The main accused is Shiv Bharti who committed rape with the deceased and murdered her. He further submits that apart from memorandum statement of co-accused Shiv Bharti, there is nothing on record against the present applicant. He further submits that co-accused Shiv Bharti had taken the motor-cycle of the applicant and the said motor-cycle was recovered from him. He further submits that there is nothing on record on the basis of which it can be said that the present applicant assisted co-accused Shiv Bharti to hide the dead body of the deceased. The applicant is in custody since 04/04/2018, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and admits the fact that apart from the memorandum statement of co-accused Shiv Bharti, no other evidence is available against the present applicant.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 04/04/2018, charge-sheet has been filed and the trial will likely to take some time without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul