

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6574 of 2018

- Chandan @ Jani Dhruw @ Telgann S/o Sarjoo Singh Aged About 27 Years R/o- Village- Bodtara Kala, Police Station- Lormi, District- (Revenue And Civil)- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Torwa, Bilaspur, District- (Revenue And Civil)- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Dharmesh Srivastava, Advocate
For State/respondent	: Mr. V.B. Singh. Panel Lawyer.
For Objector	: Mr. Ram Narayan Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2018

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.187/2018 registered at Police-Station-Torwa, Bilaspur, District-(Revenue & Civil)- Bilaspur(C.G.) for the offence punishable under Sections 365, 304(Part-II), 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 for such offence which has not committed. No case is made out against him according to the material present in the charge-sheet filed against him. According to postmortem report of the deceased, a cause of death has not been ascertained by the examining doctor and no sign of injury has been found on the body of the deceased, hence, it is not a case of homicidal death of the deceased or that he was done to death in any other manner. The applicant is in jail since 13.5.2018. No case is made out against him. Similarly placed co-accused persons have been granted regular bail by this Court. Hence, it is prayed that he may also 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. It is submitted that there is evidence of last scene against this applicant, subsequent to which the deceased was found dead, hence, no case is made out for grant of bail.
4. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case against this applicant is this, that on the date of incident he by force took the deceased Sanjay Sahu with him informing, that he is taking him for a party. Subsequent to the party, this applicant brought the deceased in his car to the house of the deceased, but the wife of

deceased refused to bring the deceased in. Later on, it is alleged that this applicant left the deceased in his car where he was found dead. Hence, this case.

7. Considered on the entire material present in the case diary, deposition of some of the witnesses who have been examined have been filed along with application, which shows that the important witnesses have not supported the prosecution case. Further, considering the postmortem report in this case, it appears that the death of the deceased was homicidal has not been opined by the examining doctor, hence, after due consideration, I am of the view that present applicant is also entitled to be released on regular bail.
8. 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

Nisha