

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7391 of 2018

Jagdish @ Muritram Nirmalkar S/o Pusuram Nirmalkar Aged About 59 Years R/o Nariyara Sanjay Nagar, P. S. Mulmula, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh ---
Petitioner

Versus

State of Chhattisgarh through the Station House Officer, Police Station Mulmula, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh ---
Respondent

For the applicant	:	Mr. Sushobhit Singh, Advocate.
For the Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.10.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 61/2018 registered at Police Station Mulmula, Distt. Jangir Champa (C.G) for the offence punishable under Sections 302 of IPC.
2. As per the prosecution case, in the intervening night of 4th and 5th May of 2018 one Mangli Bai was strangled and further she was assaulted on her head which led to her death. The allegation against the present applicant is that he was in living relation with the deceased who was widow and as such, he committed murder on some dispute.
3. Learned counsel for the applicant submits that only on suspicion, the applicant has been inculpated and there is no direct evidence available in this case. He further submits that the circumstantial evidence of last seen together of Anil and Bansilal is with the prosecution and only on their

memorandum statements, the applicant has been inculpated. He further submits that the charge sheet has been filed and the applicant is in jail since 11.05.2018, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary. It appears that no direct evidence of witnesses is present and on the basis of last seen theory of Anil and Bansilal who have stated that on the date of incident they saw the present applicant was going to the house of deceased, the applicant has been roped in.
6. Taking into consideration such facts and circumstances and the nature of evidence available in this case and further considering the fact that the charge sheet has been filed, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**