

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7722 of 2018

- Mohar Lal Rajwade S/o Salig Ram Rajwade Aged About 42 Years
R/o- Village Udaipur Dabha, Chowki Manipur, P.S. Ambikapur,
District- Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Chowki
Manipur, Police Station Ambikapur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

---Respondent

For Applicant : Shri Jitendra Shrivastava Advocate
For Respondent/State : Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

01.11.2018

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 23.6.2018 in connection with Crime No.305/2018, registered at Police Station, Chowki Manipur, P.S. Ambikapur (Surguja) (CG) for the offence punishable under Sections 302, 146, 148, 149 of the IPC.
3. As per the case of prosecution, one dead body of unknown person was found on 22.6.2018 and it is alleged that a group of people assaulted the deceased on the assumption that he is a thief of children.
4. Learned counsel for the applicant submits that the applicant has been charge-sheeted only on the basis of his discovery

statement but no article was seized from him, therefore, there is no legally admissible evidence against the applicant and he is entitled to be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Looking to the fact that there is no substantive evidence against the applicant and further looking to the fact one video which is collected by the authority is not certified under Section 65(b) of the Indian Evidence Act, 1872, without further commenting on merits, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE