NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7526 of 2017

Kishore Rajwade S/o Shri Ramkeshwar, Aged About 18 Years R/o Village Kenapara, Chowki Karanji, Revenue And Civil District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Odagi, Revenue And Civil District Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Surfaraj Khan, Advocate.
For the Respondent/State : Shri Anil S. Pandey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

29.01.2018

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.42 of 2017, registered at Police Station – Odagi, District – Surajpur, Chhattisgarh for the offence punishable under Sections 302, 201 and 120-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.07.2017 and has been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused persons. No case is made out against the applicant for prosecution of the offences registered against him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements of the witnesses discloses that the co-accused persons have admitted before the villagers that they alongwith this applicant have committed the offence of murder and disposal of the dead-body. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On 12.7.2017, the dead-body of Jugeshwar was found, after inquest and postmortem the death was found to be homicidal. The police interrogated Sarita Rajwade, Yogesh Rajwade and Rajesh Rajwade who have admitted their guilt and stated that the applicant was one of them when the offence was committed, but there is statement that the applicant ran away from the spot when the offence was being committed.

6. Considering on the submissions and the contents of the case-diary, and taking into consideration the evidence that is proposed against the applicant for his prosecution, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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

8. 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

Nimmi