

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8259 of 2018**

- Tulsi S/o Sunhar Gond aged about 58 Years R/o Kholwa, Police Station Sahaspur Lohara ,district Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Respondent

For appellant : Mr. Dharmesh Shrivastava, Advocate
 For t State : Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****14-11-2018.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 16-1-2018 in connection with Crime No. 07 of 2018 registered at Police Station Sahaspur, Lohara, District Kabirdham (CG), for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution is that on 9-1-2018 one Gendu Ram lodged a complaint that his grand-mother namely Khetharin Bai went to field for repeating the crop and did not return back to home but her dead body was found later and on the basis of discovery statement and other relevant material, the applicant is charge-sheeted.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and all the witnesses whose statements were recorded under Section 161 of the Code of Criminal Procedure before the Investigating Officer, have not supported the version of prosecution, therefore, the applicant is entitled to be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Case of the prosecution is based on the statement of Smt. Rukmani (PW/7), Bishelal (PW/3) and Smt. Durpati Bai (PW/4), but all these witnesses have not supported the version of prosecution before the trial Court.
7. Looking to the facts and circumstances of the case, without further commenting on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju