

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8200 of 2018**

Raja @ Ramavtar Sonkar S/o Devnath Sonkar Aged About 18 Years R/o
Ward N. 2, Sukulpara, Nawagarh, Police Station Nawagarh District
Bemetara Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Nawagarh District Bemetara Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Vaibhav A. Goverdhan, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/11/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 134/2017 registered at Police Station Nawagarh, District Bemetara, Chhattisgarh for the offence punishable under Sections 450, 480, 382, 307, 302 R/w. 34 of Indian Penal Code and under Section 3(2) (5) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.
2. The present applicant is in jail since 08.07.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant and the other accused persons is said to have committed the murder of three persons namely Sanjay Jangde, Khilti Bai and Ambika Bai and also caused injuries to two persons namely Ayush and Piyush.

4. The counsel for the applicant submits that the present applicant has been falsely implicated in the case, in as much as in the entire charge sheet, there is no material with which the present applicant could be implicated for the said offence. He submits that he has been implicated only on the memorandum statement of the co-accused Akhilesh Sonkar and Narayan Sonkar. He further submits that from the possession of the applicant also it is only cash of Rs.2700/- and a knife which was recovered, with which the prosecution has not been able to link the commission of the offence.
5. The counsel for the applicant further submits that it is a case, where there is no eyewitness, even the injured witnesses have stated that the persons, who had come to assault, had covered their faces, moreover there is no identification as such made of the present applicant and for all these reasons, the present applicant may be released on bail.
6. The State counsel on the contrary opposes the bail application on the ground that there is a memorandum statement of the co-accused persons, which would itself show that the present applicant was also involved in the commission of the offence.
7. Having heard the contentions put forth on either side and on perusal of the record, firstly it appears that the statements of the injured witnesses Ayush and Piyush would reveal that only two persons had gone to the house of the deceased persons for assault and in all probabilities, the two persons seems to be Akhilesh Sonkar and Narayan Sonkar and the presence of the present applicant does not seem to have been witnessed by anybody. Moreover, the statements

of Ayush and Piyush, the two injured persons would also reveal that there were only two persons, which had come to the spot and their faces were covered. The knife which has been recovered from the possession of the applicant was sent for FSL examination and the result appears of presence of human blood, but the knife was never sent for the serological examination to further establish the case of the prosecution. Moreover the present applicant has already remained in custody for a period of about 15 months.

8. Given all these facts and circumstances of the case, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
9. 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 surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge