

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8966 of 2018**

Bundram Pardhi S/o Vishram Pardhi, aged about 36 years, R/o Village Banjari,
P.S. & Tahsil Sarangarh Distt. Raigarh (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Sarangarh,
Distt. Raigarh (C.G.).

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondent	:	Mr. R.K. Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/12/2018

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 159/2018 registered at Police Station Sarangarh, Distt. Raigarh (C.G.) for the offence punishable under Section 302 of the IPC.
2. As per prosecution story, the Applicant is cousin of Deceased Sukhlal Pandey. It is alleged that the Applicant and the Deceased had been taking drink from morning on 25/03/2018, and after some time, they went to Jevara Basti. Thereafter, they did not return from there. Son of the Deceased namely Pawan Kumar searched his father and he found that his father (Deceased) was lying on the road side of Jevara Basti. At that time, his father informed him that he is having acute pain in his stomach. The Deceased was taken to Government Hospital, Sarangarh, where he was admitted. Thereafter, the Deceased was

referred to the Raigarh and on the way, he died. Merg was recorded by the son of the Deceased. Statements were also recorded and on the basis of statements, offence has been registered against the Applicant. He has been taken into custody on 08/06/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. There is nothing on record on the basis of which any offence under Section 302 of the IPC can be made out against the Applicant. Pawan Kumar (son of the Deceased) in his statement recorded under Section 161 of the Cr.P.C on 29/03/2018, did not disclose anything against the Applicant. He also did not disclose the fact that at that time his mother was present there. On 07/06/2018, when statement of wife of the Deceased was recorded, there she first time named the name of the Applicant. She further submits that in these circumstances, it is clear that the Applicant has been falsely implicated, therefore, she prays that the Applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering the evidence collected by the prosecution, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul