

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9216 of 2018**

- Laxmi Narayan @ Laxmi Charan @ Belo S/o Sukh Lal Yadav, aged about 48 years, R/o Village Hardi, Tehsil & Thana Sariya, District- Raigarh, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ishan Verma, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 149/2018, registered at Police Station – Sarangarh, District- Raigarh, (C.G.) for the offence punishable under Sections 302, 201, 120(B) and 34 of the IPC.
2. As per prosecution story, on 20.03.2018, the deceased Bisahu Das Manikpuri went for selling ice but did not returned by 8:00 pm, subsequently on 21.03.2018, the dead body of the deceased was identified by Complainant after showing the image via whatsapp from one Ajay Yadav. Thereafter, merg was made at police station against unknown accused persons and crime was registered under Section 302 of the IPC. After investigation, it has been found that the present Applicant had conspired with two other co-accused namely Shewak Ram and Hiran Patel to kill the deceased. On the basis of the said background, offence has been registered against the present Applicant and he has been arrested on 06.07.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there is no any evidence available on record on the basis of which he may be involved in the crime in question. The only evidence against the Applicant is that in his memorandum statement, he has admitted the fact of planning conspiracy of murder. But memorandum statement is not admissible being a confessional statement made before the police. Apart from this, there is no any admissible evidence available on record against the present Applicant. He has been taken into custody on 06.07.2018 and trial will take time. Therefore, he may be enlarged on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 06.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent 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