

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 308 of 2019

- Ramnath S/o Budhram Aged About 28 Years By Caste Nagwanshi, R/o Village Pangsuwa, P. S. And Tahsil Pathalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pathalgaon, District Jashpur Chhattisgarh

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate
For Respondent/State : Shri KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/05/2019

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. 295/2018, registered at Police Station Pathalgaon, District- Jashpur (C.G.) for the offence punishable under Section 302, 201 & 34 of the IPC.
2. In this case there are total three accused persons. As per prosecution story, on 07.11.2018, one skeleton was found in the well, thereafter, police has registered Dehati Nalsi. Daughter and mother of the deceased identified the skeleton by looked at her clothes, they have told that the name of deceased was Basmati @ Sukri Nagwanshi. Thereafter, the morgue was registered. It was a further prosecution story that deceased and co-accused Ramkumar had an illicit love relationship, resultantly the

deceased got pregnant and due to fear of defamation, Ramkumar took the deceased to the house of another co-accused person Ramprasad on his motor-cycle, allegedly, at that time, the applicant was also with them, after reaching the house of Ramprasad, the applicant stayed there and co-accused persons Ramkumar and Ramprasad taken the deceased on their motor-cycle and murdered her and throw his dead body in a well. On the basis of above, offence has been registered. The applicant is in custody since 09.11.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. There is no direct evidence available on record against the applicant. Allegedly, murder of the deceased committed by the other co-accused person. Allegation against the applicant is only that at the relevant time, he was going with the main accused person to the house of co-accused Ramprasad. The applicant is in custody since 09.11.2018 and trial is likely to take some time. Therefore, he 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 the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in this case, the main accused are Ramkumar and Ramprasad, the only allegation against the applicant is that at the relevant time, he was going with the main accused person to the house of co-accused Ramprasad. The applicant is in custody since 09.11.2018 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