

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 180 of 2019**

- Manoj Kurre S/o Bhuneshwar Kurre Aged About 22 Years R/o Chhote Seepat, Thana Malkharoda, District Janjgir Champa Chhattisgarh.

**---- Applicant**

**Versus**

- The State Of Chhattisgarh Through Police Station Malkharoda, District Janjgir Champa Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Parag Kotecha, Advocate.  
For Respondent/State : Mr. DP Singh, Dy. GA.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**25/02/2019**

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. 147/2018, registered at Police Station—Malkharoda, District Janjgir Champa- (C.G.) for the offence punishable under Section 302 & 201 of the IPC.
2. As per prosecution story, on 10.07.2018 at about 7 AM, the dead body of the deceased Ku. Pinki was found in a pond situated at village Pirda, thereafter, offence against unknown person has been registered. During course of investigation, it was found that the deceased and the applicant were in a relationship, allegedly marriage of the applicant was fixed with the deceased. The applicant used to visit in the house of the deceased and also he had committed sexual intercourse with her. Thereafter, the

applicant refused to perform marriage with the deceased, due to which the deceased pressurized the applicant on the above mentioned ground. On the date of incident, at night the applicant visited in house of the deceased and the dispute was arisen between them with regard to marriage, when the applicant returning from there the deceased followed him and thereafter he strangled the deceased. The applicant is in custody since 04.08.2018.

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 evidence available on record on the basis of which *prima facie* and offence can be made out against the applicant. He further submits that in this case, there is no eye-witness available, only circumstantial evidence is available. As per prosecution story, deceased was last seen together with the applicant by the prosecution witnesses namely Sunil and Gajju. Learned Counsel for the Applicant submits that incident was taken place on 10.07.2018 and as stated by above mentioned prosecution witnesses they have seen her along with the applicant in the month of May 2018. The applicant is in custody since 04.08.2018, charge-sheet has already been filed and trial will take some time. Therefore, 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 the parties and perused the case diary with due care.
6. Considering the facts and totality of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 04.08.2018, charge-sheet has

already been filed and trial will likely to take some time, without further commenting on merits 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 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**