

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 424 of 2019**

- Haneef Khan, S/o Late Sattar Khan, aged about 46 years (mentioned in th order sheet of the learned Court below) R/o Ward No. 07, near Masjid Mahamaya Para Newra, Police Station – Newra, District – Raipur, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station – Tilda Nevra, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.K. Patel, Advocate.
For Respondent/State	:	Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/02/2019**

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. 320/2018, registered at Police Station- Tilda Nevra, District - Raipur, (C.G.), for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
2. In this case there are two accused persons. Allegations against the present Applicant is that there was illicit relationship between the present Applicant and Nandini Chouhan W/o Shrawan Singh (deceased). On 02.09.2018 when deceased i.e. the husband of co-accused Nandini Chouhan came to his house, he saw both, the Applicant and co-accused Nandini together. Looking to them together, he was enraged whereupon they killed him by strangulating him and hanged him in the bathroom. The Applicant has been taken into custody on 17.09.2018.
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 submits that there is nothing on record on the basis of which *prima facie* involvement of the present Applicant can be made out in this case. Only evidence available against the present Applicant is that on the basis of his memorandum statement, one club has been seized from his possession but no blood stain has been found on it. Thus, from the recovery of the said club also crime in question against the Applicant cannot be established. He also states that charge-sheet has been filed. Applicant has been taken into custody on 17.09.2018 and trial will take time. Therefore, 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the charge-sheet has already been filed, Applicant is in custody since 17.09.2018 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge