

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 2015 of 2019**

- Rajesh Kumar Yadav @ Rinka Yadav S/o Late Kangalu Ram Yadav Aged About 28 Years (Wrongly Mentioned As Kamalu Ram Order Sheet), R/o Bajaj Colony, Sector-1, New Rajendra Nagar, P.S.- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through P.S.- New Rajendra Nagar, District- Raipur, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Devershi Thakur, Advocate.  
For Respondent/State : Mr. DP Singh, Dy. G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**25/06/2019**

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. 128/2018, registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Section 302, 201, 34 & 120-B of the IPC.
2. As per prosecution story, in this case there are total two accused persons. The name of the deceased is Nand Kishore Manhare. On 21.07.2010, mother of the deceased Gendi Bai lodged a report in police station stating therein that her son/deceased was missing since 16.07.2010. Dead body of the deceased was found on 17.07.2010 which has been identified by mother of the deceased and other persons. Allegedly, the applicant and other

co-accused person namely Avlesh @ Monu Dhritlahre made a criminal conspiracy and murdered the deceased. On the basis of said background, offence has been registered. The applicant is in custody since 27.06.2018.

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 the incident is of the year 2010, statements of alleged eye-witnesses PW-4 Indra Kumar and PW-12 Mahesh Kumar recorded after 8 years of the incident i.e. in the year 2018. Both the eye-witnesses have examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. He further submits that there is no other eye-witness available on record except them. The applicant is in custody since 27.06.2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application. However, he fairly admitted the fact that there is no other evidence available on record except above mentioned eye-witnesses.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that both the eye-witnesses have examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 27-06-2018 and trial is 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. 25,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-**

**(Arvind Singh Chandel)**

**Judge**

Shubham