

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2259 of 2019**

1. Umashankar Ghritlahre S/o Late Jagannath Ghritlahre Aged About 33 Years R/o Dashama Road, Balodabazar, Police Station And District Balodabazar Chhattisgarh
2. Kailash Kumar Ghritlahre S/o Late Bisosani Ghritlahre Aged About 27 Years R/o Village Amera, P. S. Palari, District Balodabazar CG
3. Dharamendra Kumar Jangade S/o Shyamdev Jangade Aged About 30 Years R/o Village Amera, P. S. Palari, District Balodabazar CG
4. Harish Kumar Patel S/o Budhram Patel Aged About 45 Years R/o Kouadih, P. S. Palari, District Balodabazar CG

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Vidhansabha District Raipur Chhattisgarh

---- Respondent

For applicants	Mr. Y.C. Sharma, Adv.
For non-applicant/State	Mr. Vikram Dixit, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16-7-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 395/2018 registered in police station Vidhansabha, Distt. Raipur (CG) for offence punishable under Section 302, 120-B, 201/34 of IPC.
3. Prosecution story in brief is that on 27-10-2018 the dead body of deceased Parmanand Chaturvedi alias Pappu was found near canal in village in injured condition. As per the post mortem report death of the deceased was homicidal in nature and cause of death was hemorrhage and shock of neck injury. On the memorandum of applicant No. 1 Umashankar Ghritlahre, one knife having blood like stains and cash Rs. 47,000/- were seized from him. As per the RFSL report blood was found on the alleged seized knife. On the memorandum of applicant no. 2 Kailash Kumar Ghritlahre, cash Rs. 20,000/- was seized from him. On the memorandum of applicant No. 3 Dharmendra Kumar Jangde cash Rs. 10,000/- was seized from him. On the memorandum of applicant No. 4 Harish Kumar Patel, cash Rs.

2,000/- was seized from him.

4. Counsel for the applicant argued that the applicants are innocent and have been falsely implicated, seizure witnesses have been examined in trial Court and they have turned hostile, hence the applicants be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicants in the police case diary.
6. In the case in hand, trial Court had rejected the bail application of applicants on the ground that incriminating weapons etc. have been seized from the applicants. From applicant No. 2 Kailash Kumar Ghritlahre, applicant No. 3 Dharmendra Kumar Jangde, applicant No. 4 Harish Kumar Patel, no incriminating article has been seized, there is no material on record on strength of which alleged seized cash can be connected with the crime. 2nd Addl. Sessions Judge to 1st Additional Sessions Judge, Raipur did not consider this aspect.
7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against applicant No. 1, application of **applicant No. 1 Umashankar Ghritlahre** is rejected.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants No. 2, 3 and 4, their application is allowed. It is ordered that if each of **applicants No. 2 Kailash Kumar Ghritlahre, applicant No. 3 Dharmendra Kumar Jangde and applicant No. 4 Harish Kumar Patel**, furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the concerned Court as and when directed, they be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge