

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2175 of 2019**

Dhal Singh Maheshwari @ Chukun, S/o. Ramesh Maheshwari, Aged About 32 Years, R/o. Kachloan, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Suhela, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.S. Rajput, Advocate with Mrs. Ansuiya Rajput, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.39/2018, registered at Police Station –Suhela (wrongly mention Simga in impugned order), District – Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 302, 120-B, 201, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 14.02.2018. The trial of the applicant has made progress in which all the material witnesses have been examined. The witness of last seen circumstances namely Devlal Patil (P.W.-4) and Laidas (P.W.5) have not supported the prosecution case. Apart from that there is no other witnesses to make

any statement against the applicant. The case is based only on the memorandum statement, which is not legally admissible evidence. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are still some of the witnesses to be examined before the trial Court, therefore, the case may take some other turn, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The body of the deceased Shiv Narayan was found on 07.02.2018. After lodging of morgue intimation and FIR, during the investigation, this applicant and other co-accused persons were interrogated by the police. This accused has made statement on memorandum confessing his guilt. Thereafter, the case has been investigated and the charge-sheet has been filed.
6. Considered on the submissions made and the contents of the case diary. On perusing the certified copy of the deposition of the witnesses examined so far, it is found that witnesses of last seen have not supported the prosecution case and the other witnesses who have been examined have not made any statement against the applicant, , hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram