

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3364 of 2019**

Raju Das Bairagi S/o Laxman Das Bairagi Aged About 27 Years R/o Village Khaira, Rambhata, P.S. Dabhra, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Dabhra, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ajay Ayachi, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2019**

Heard.

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.335 of 2017, registered at Police Station – Dabhra, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 302 and 201, 34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.9.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Most of the material witnesses have been

examined before the trial Court neither they identified this applicant nor they supported the prosecution case. Hence, for these reasons, it is prayed that the applicant be enlarged on 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 the trial is still pending and the prosecution still has opportunity to prove the case on the basis of the circumstantial evidence and the statement of the Investigating Officer. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant strangled the deceased – R.P. Maheshwari on the date of incident and caused her death. The deceased belongs to scheduled caste. When the applicant made an attempt to conceal the evidence of crime, he was caught by the witnesses of this case. Thereafter, the FIR has been lodged.

6. After perusal of the case-diary and the certified copy of the witnesses who have been examined before the trial Court, it is found that none of the witnesses have made any direct statement against this applicant. There is no eyewitness in this case and there is no investigation regarding circumstances. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge