

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3121 of 2019**

- Tejeshwar Yadav S/o Shri Kamlesh Yadav Aged About 21 Years R/o Matekheda, Police Station Gendatola, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chilhati, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Bharat Gulabani and Shri Anshuman Shrivastava, Advocates.
For Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**27/06/2019**

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. 22/2018, registered at Police Station – Chilhati, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 302, 120-B, 201, 34 of Indian Penal Code.
2. In this case there are three accused persons. As per the prosecution story, on 12.09.2018 at about 09:00 AM, dead body of the deceased namely Arjun was found lying on the 'pagdandi' road. Merg was lodged by the brother of the deceased. After investigation, it was found that there was illicit relationship between the co-accused namely Parmanand and Sindhu Ambadhe i.e. wife of the deceased due to which a conspiracy was made to kill the deceased and therefore, murder has been committed by co-accused Parmanand. Allegations against the present Applicant is that, at the time of incident, he was with co-accused Parmanand and assisted him in the commission of crime. On the basis of the said, report has been lodged and offence

has been registered. Present Applicant has been arrested on 22.12.2018.

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 states that there is no any direct evidence available on record against the Applicant which shows that Applicant is involved in crime in question. He also submits that, name of the present Applicant was disclosed while recording the memorandum statement of the main accused under Section 27 of the Indian Evidence Act. Applicant is in custody since 22.12.2018, charge-sheet has been filed and trial is likely to take some time. Therefore, he 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 alleged role played by the present Applicant and the fact that the Applicant is in custody since 22.12.2018 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