

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3298 of 2019

- Kali Ram S/o Late Manboth, Aged About 47 Years, R/o Kotsari, Police Chouki Daura, Thana Pasta, District- Balrampur- Ramanujanj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chouki Daura, Police Station Pasta, District- Balrampur- Ramanujanj, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Vikash Pandey, Advocate.
For Non-applicant/State	: Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28.10.2018 in connection with Crime No. 59/2018, registered at Police Station– Pasta, District- Balrampur, Ramanujanagar, C.G. for offence punishable under Sections 302, 450 of I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 28.10.2018. There is no evidence present against this applicant in the charge-sheet filed against him. The prosecution is based only on the memorandum statement that has been given by the applicant which is not legally admissible. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there are present circumstances which may be proved in the trial against the applicant. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, on the date of incident, the deceased Belsi @ Kayaso was found dead inside the house and there were injuries found on her body. The applicant was apprehended and interrogated, who confessed his guilt and at his instance, one axe was recovered and seized.
6. There is no further investigation on the basis of the recovery of axe regarding any blood stain present on it and F.S.L. Examination report. As there is no eye witness nor any circumstantial evidence for prosecution against the applicant. Hence, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge