

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3762 of 2019

- Ram Prasad Kushwaha, S/o Late Shri Sunder Sai, Aged About 80 Years, R/o Village Karanji, Police-Station-Patna, District-Koriya Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Patna, District-Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Meena Shastri, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. Adv. General.

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

12/07/2019

1. This is first bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him as he has been arrested by the police in connection with Crime No.44/2019 registered at Police Station–Patna, District–Koriya(C.G.) for the offence punishable under Sections 147, 148, 302, 201 of the Indian Penal Code with Section 3(2)(5a), 3(2)(5) of Atrocities Act, 1989.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 24.2.2019. According to the evidence of the prosecution case, there is clearly no case of participation in the said commission of offence of murder. The only statement of one co-accused on

memorandum is this, that on asking of this applicant, the dead body of the deceased was thrown in the well, which may amount to commission of offence under Section 201 of IPC only, therefore, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant was present at the time of the commission of offence of murder, therefore, his involvement cannot be ruled out at this stage.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on 16.2.2019 deceased Mukesh Kumar Kurre went missing. A missing report was lodged on 19.2.2109, thereafter dead-body of the deceased was found on 22.2.2019 on the basis of which FIR was lodged on 23.2.2019. During investigation, on the basis of the recovery made at the instance of co-accused persons and the statement made by them against this applicant, he has been arrayed as an accused in this case.
6. After considering the entire material present in the case diary and looking to the role of this applicant in the said commission of crime, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge