

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3916 of 2019

Shriman Singh @ Bhagat Shriman S/o Shivprasad Aged About 36 Years R/o Krishna Nagar, Dhamni, Anwarapara, Police Station Trikunda, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Trikunda, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 4463 of 2019

Shivlal Gond S/o Rameshwar Gond Aged About 21 Years R/o Krishna Nagar, Dhamni, Aanwrapara, Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant (in M.Cr.C. No.3916/19): Mr. Dashrath Kushwaha, Advocate

For Applicant(in M.Cr.C. No.4463/19) : Mr. Pushkar Sinha, Advocate

For Respondent/State : Mr. Shubhash Yadav, Dy.G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2019

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants,

who have been arrested in connection with Crime No.06/2019, registered at Police Station – Trikunda, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302, 201/34 of the Indian Penal Code.

3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The deceased Purushottam has died an accidental death due to drowning, which has been reported by the doctor conducting autopsy. Apart from that there is no eye-witness, no motive or purpose on the part of these applicants to commit the offence of murder of the deceased. The applicants are in jail since 20.02.2019. Charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. 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 is evidence of the applicants last seen together with the deceased, therefore, the death of the deceased is connected with these applicants. Therefore, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the deceased had been to the place of Shiv Charan on invitation on 02.01.2019, thereafter, he went missing. On 03.01.2019 the body of the deceased Puroshottam was found in Nala. In the inquest made, the examining doctor has reported that death was due to asphyxia, which is a result of drowning.

Thereafter, on the basis of investigation, these applicants have been arrested as accused in this case.

7. Considered on the submissions made and the contents of the case diary. After considering all the evidence present in the case diary proposed for prosecution of this applicant and specifically considering the result of postmortem examination of the deceased, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge