

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3898 of 2019

Dhaneshwar Prasad Napit, S/o. Shri Shankar Prasad Napit, Aged About 37 Years, R/o. Sarhari, Police Station Pratappur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate
For Respondent/State	: Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2019

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.235/2018, registered at Police Station – Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 302, 201 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 29.08.2018. One constable – Arti Kunjam went missing on 17.08.2018. Subsequent to that one dead body was found in the river of which the head and both upper and lower limbs were missing. The dead body was identified by Shiv Balak Singh Kunjam, the father of the

missing Arti Kunjam as the body of his daughter, which is not conclusive identification and the police has not conducted any DNA test for confirmation of this identification and without any evidence, this applicant has been prosecuted. In further development, all the important witnesses have been examined before the trial Court and none of them have supported the prosecution case. Therefore, it is prayed that the applicant may be enlarged on regular 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 there are yet some witnesses to be examined, therefore, the case against the applicant may take new turn, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, one Arti Kunjam went missing on 17.08.2018 and thereafter, the dead body that was recovered with missing limbs was identified by her father. During the investigation, it was found that the applicant and the deceased had some relationship on that basis, the charge-sheet has been filed against the applicant.
6. Considered on the submissions made and the contents of the case diary. Considered on all the material present in the case diary and also perused the certified copy of the deposition of all the witnesses, who have been so far examined before the trial Court and also perused the diary statement of two of the witnesses, who are yet to be examined. After over all consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram