

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO.4296 OF 2019

Jitte Rajak S/o Nakul Rajak Aged About 19 Years R/o Ward No. 5,
Bavapara, Police Station Navagarh, District Bemetara Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh Through the District Magistrate, Bemetara, District
Bemetara Chhattisgarh.

... Respondent

For Applicant	:	Ms. Kiran Singh, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.07.2019

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 08.07.2017 in connection with Crime No. 134 of 2017 registered at Police Station Nawagarh, District Bemetara, for the offence punishable under Sections 450, 480,382,307,302/34 IPC and Section 3(2)(5) of the SC/ST Act.
2. The allegation against the present applicant is that the present applicant and the other accused persons is said to have committed the murder of three persons namely Sanjay Jangde, Khilti Bai and Ambika Bai and also caused injuries to two persons namely Ayush and Piyush.
3. The counsel for the applicant submits that the present applicant has been falsely implicated in the case, in as much as in the entire charge sheet, there is no material with which the present applicant could be implicated for the said offence. He submits that he has been implicated only on the memorandum statement of the co-accused Akhilesh Sonkar and Narayan Sonkar. He further submits that from the possession of the applicant it is only one mobile and cash of Rs.4150/- and a iron rod was recovered,

which the prosecution has not been able to link the commission of the offence.

4. Learned Counsel for the applicant submits that this court has already considered the case of co-accused namely Raja @ Ramavtar Sonkar against whom the allegations were identical to that of the present appellant and who has been granted bail in MCRC No.8200 of 2018 vide order dated 14.11.2018.
5. The counsel for the applicant further submits that it is a case, where there is no eyewitness, even the injured witnesses have stated that the persons, who had come to assault, had covered their faces, moreover there is no identification as such made of the present applicant and for all these reasons, the present applicant may be released on bail.
6. The State counsel on the contrary opposes the bail application on the ground that there is a memorandum statement of the co-accused persons, which would itself show that the present applicant was also involved in the commission of the offence.
7. Having heard the contentions put forth on either side and on perusal of the record, firstly it appears that the statements of the injured witnesses Ayush and Piyush would reveal that only two persons had gone to the house of the deceased persons for assault and in all probabilities, the two persons seems to be Akhilesh Sonkar and Narayan Sonkar and the presence of the present applicant does not seem to have been witnessed by anybody. Moreover, the statements of Ayush and Piyush, the two injured persons would also reveal that there were only two persons, which had come to the spot and their faces were covered. Moreover the present applicant has already remained in custody for a period of about two years and the co-accused has already been enlarged on bail by this court on 14.11.2018.

8. Given all these facts and circumstances of the case, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
9. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

inder