

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4458 of 2019

- Rajendra Gond S/o Jajman Singh, Aged About 23 Years, R/o Village Dongartarai, Tahsil Pandi Uproda, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Kotghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri C.K. Kesharwani, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-01-2018 in connection with Crime No.11/2018 registered at P.S. - Katghora, District Korba, Chhattisgarh for the offence under Section 302 of the IPC.

2. It is submitted on behalf of the applicant that this is second application of this applicant for grant of regular bail. His earlier application was dismissed as withdrawn. It is submitted that the applicant has been falsely implicated in this case. He is in jail since 09-01-2018. This applicant has not committed any offence. Most of the material witnesses have been examined by the trial Court and none of them is eye-witness nor has given any statement against the applicant which may be called as legally admissible. Further, one co-accused Sadhe Kumar has been granted bail by this Court. Therefore, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant had illicit relation with deceased Sangeeta. It is alleged that this applicant called the deceased to jungle where he was present with co-accused, then after having physical relation with the deceased this applicant and the deceased engaged in a quarrel during which this applicant throttled her to death in which co-accused assisted him by holding the feet of the deceased.

6. After perusing the certified copy of the deposition of the witnesses who have examined before the trial Court and considering that similarly placed co-accused person has been granted bail, 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