

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4581 of 2019**

Shashank Gupta S/o Surendra Gupta, aged about 26 years R/o Kerta P.S.
Chalgali, Distt. Balrampur Ramanujganj (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through the Police Station Ramanujganj Distt. Balrampur
Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. A.N. Pandey, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/07/2019

1. The Applicant has preferred this second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 04/2019 registered at Police Station Ramanujganj, Distt. Balrampur Ramanujganj (C.G.) for the offence punishable under Section 302/34 of the IPC.
2. First bail of the Applicant was dismissed as withdrawn with liberty to file afresh after examination of the prosecution witnesses namely Sahdev and Shivmanikpuri vide order dated 16/05/2019 passed in MCRC No. 3018/2019.
3. In this case there are two accused persons. The name of the Deceased is Jaiprakash @ Alka. The dead body of the Deceased was found near the forest at village Mitgai on 16/01/2019. Merg was lodged by Chandeshwar Kushwaha. The dead body of the Deceased was identified by the father of the Deceased. As per prosecution story, prior to incident on 15/01/2019,

the Deceased left his house along with the Applicant and co-accused Sourav Gupta which was seen by Sahdev and Shiv Prasad. On this background, offence has been registered and the Applicant has been arrested on 21/01/2019.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute with the police official. There is no eye-witness to the incident. The case of the prosecution is based on the statement of last-seen witnesses i.e. Sahdev and Shiv Prasad. Both have already been examined before the trial Court and they have not supported the case of the prosecution and have turned hostile. He further submits that there is no other evidence on record against the Applicant. He is custody since 21/01/2019, charge-sheet has been filed and trial will take time, therefore, he prays that the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that both the last-seen witnesses have not supported the case of the prosecution and the Applicant is in jail since 21/01/2019, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like

amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge