

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1195 of 2019**

- Sumar Vijay Mundda S/o Sanram Ram Mundda Aged About 32 Years R/o Sarnatoli, Village- Tripuri, P.S. Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate.
For Respondent/State	:	Shri Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey
Order on Board

11/09/2019

1. This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.65/2007, registered at Police Station Kusmi, District Balrampur- Ramanujganj(CG) for the offence punishable under Sections 302 read with 34 of the IPC.
2. Case of the prosecution is that complainant Jirmal lodged an FIR stating therein that some unknown persons have murdered his wife on account of dispute regarding Aanganbadi Worker/Sahayika. In the year 2016, statement of one Rafel Khes has been recorded in this regard, in which, he stated that "*Arab Sai log Aanganbadi ke chalte mare hai*" and subsequently other witnesses have stated the name of present applicant after 10 years of the incident.
3. Learned counsel for the applicant submits that family members of the co-

accused namely- Jagdev, Madhav and Ashok have applied for the post of Aanganbadi Worker and Sahayika and as they were not selected, they had dispute between Tijo Bai and Jivanti. He further submits that nobody from the family of the present applicant has applied for the above post. Five witnesses have been examined before the trial Court, but no one has stated the name of present applicant. He submits that the applicant is innocent and has been falsely implicated in the case, therefore, he may be released on anticipatory bail.

4. On the other hand, counsel for the State opposed the application for anticipatory bail.
5. I have heard learned counsel the parties and perused the case-diary.
6. Considering the totality of the facts and circumstances of the case, particularly considering that name of the present applicant has been disclosed after 10 years of the incident, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application filed under Section 438 Cr.P.C. is allowed.
7. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the officer arresting him. He shall abide by all the terms and conditions laid down in Section 438 (2) of the Code of Criminal Procedure.
8. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

