

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4831 of 2019

- Karan Rajwade S/o Late Sukhi Ram Aged About 65 Years Caste Rajwar, R/o Village Shyamnagar (Tamorpara), P.S. Bhatgaon District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Patel, Advocate.
For Respondent/State	:	Mr. Akanksha Jain, Dy. Govt. Advocate.
For Objector	:	Mr. Krishna Tandan, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/08/2019

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.43/2019 registered at Police Station–Bhatgaon, District–Surajpur(C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 26.3.2019. No case is made out against this applicant. The only offence that is made out is under Section 201 of IPC, which is bailable offence, therefore, it is prayed that he may be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect.
4. After adopting the arguments advanced by learned State Counsel, it is submitted by the learned counsel for the Objector that this applicant has a criminal history having

being prosecuted under Section 307 of IPC, in which, he was convicted for the offence under Section 325 of IPC and sentenced, therefore, he is not entitled for grant of regular bail.

5. In reply, it is submitted by the counsel for applicant that applicant has already been undergone the sentence imposed upon him in the earlier conviction.
6. Heard both the parties and perused the case diary.
7. According to the prosecution case, the main accused Ram Baran Rajwade had a grievance with Vimla Rajwade that the deceased Ramroop Rajwade was having illicit relation with her since about one year. On the date of incident, the deceased had come to meet Vimla Rajwade, when he discovered it, he then strangled him to death. Subsequent to which, this applicant helped the main accused to dispose off the dead body of the deceased. Hence, this case.
8. After considering on all the facts and circumstances of this case, I feel inclined to allow the application of this applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge