

HIGH COURT OF CHHATTISGARH, BILASPUR

Reserved on 05/02/2019

Delivered on 13/02/2019

MCRC No. 9962 of 2018

- Anil Kumar Manjhi S/o Rajkumar Manjhi Aged About 30 Years R/o Village Tumla Police Station Tumla District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer ,police Station Tumla ,district Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant	Mr. Harish Khuntiya, Advocate
For Non-applicant/State	Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

CAV Order

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed by this Court as withdrawn on 04.12.2018 in MCRC No. 8455 of 2018.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 48/2017 registered at Police Station – Tumla, district Jashpur (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
4. Case of the prosecution, in brief is that the deceased Sant Ram was peon in boys hostel at village Tumla. On 02.10.2017 the dead body of the deceased was found in the said hostel. The Doctor conducted autopsy of the deceased and opined that death was due to cardio respiratory arrest, asphyxia due to strangulation. Nature of death was homicidal. During the

investigation the memorandum of applicant was recorded and on the basis of memorandum one bottle was seized from the field behind said hostel. From said bottle smell of country made liquor was coming. During the investigation it was found that one witness Smt. Anupa Mamta had seen the applicant going to said hostel. Next day applicant went to her house and told that if the police inquires from her, then she should not tell that she had seen him going to said hostel.

5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. As per the certified copy of the statement of PW8 Smt. Anupa Mamta recorded on 05.10.2018 by the trial Court, she turned hostile and did not tell in accordance to her statement recorded under Sections 161 and 164 Cr.P.C.
8. Complicity of the applicant is described in his memorandum which is not admissible in evidence.
9. Looking to these facts and circumstances of the case, looking to the above mentioned circumstances, this Court finds that this is a fit case wherein applicant may be enlarged on bail.
10. Consequently, the bail petition is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear

before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Kishore