

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2097 of 2020

- Mithun Kumar Goud, S/o Mahesh Chand Goud, Aged About 24 Years, R/o- Village Kakoli, P. S.- Sehpaul, District- Dhaulpur, (Rajasthan)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Darbha District- Bastar, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Ashutosh Mishra, Advocate
Shri K. K. Singh, GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

28/08/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.38/2017, registered at Police Station Darbha, District Bastar (C.G.) for the offence punishable under Sections 302 & 201 read with Section 34 of IPC.
2. The applicant and the co-accused Rakesh Kumar Kumawat were working as Tile Mason in the house of the deceased Ramji Gopal Badole at Dharampura, Jagdalpur. The deceased was found missing after 10-11 am on 10.04.2017. It is alleged that the applicant assaulted him by hand and fist and thrashed his head

over the wall and threw the dead body at Kamanar Valley V-Point under Police Station Darbha. The dead body was recovered on 13.04.2017.

3. Learned State counsel would oppose the prayer for grant of bail.
4. There is no eye witness nor any evidence of last seen together against the applicant. The deceased's wife Vatsala has stated that the accused persons were working in the house of the deceased. She herself was residing at Kondagaon and not with her husband. In the postmortem report, no definite opinion about the cause of death has been mentioned and there is no FSL report in the case diary. The applicant has been arrested on 03.01.2019 i.e. after about 1 year and 8 months.
5. Considering all the relevant aspects of the matter and the quality of evidence available, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge