

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2298 of 2020**

- Rajkumar @ Bami S/o Thanu Rajak, Aged About 40 Years R/o Jhurranadi, Police Station Gandai, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Singhanpuri Jangle, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri P. K. Patel, Advocate
For Respondent/State	:	Shri Adil Minhaz, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/08/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.38/2019 registered at Police Station Singhanpuri Jangle, District Kabirdham for the offence punishable under Section 302, 201 of the IPC. The applicant was arrested on 17-12-2019.
2. Prosecution case is that the present applicant was maintaining illicit relations with the deceased. The deceased insisted the applicant to accept and marry her, due to which, the applicant killed the deceased by strangulating.
3. Learned counsel for the applicant submits that the entire case of the prosecution is based on suspicion without there being any legally admissible evidence collected during investigation. He would submit that the entire case of the prosecution is based on the memorandum statement of the accused, which is wholly inadmissible. No incriminating evidence of recovery on the memorandum has been made. He would submit that there is no evidence of last seen nor any other evidence to connect the applicant with the alleged offence. He would submit that merely because, the applicant was having illicit relation with the deceased and he had been talking to the deceased till 08-10-2019, no case can be made out. According to him, the applicant was having illicit relations with the deceased,

whereas husband of the deceased was having dispute with the deceased and it is stated that the deceased has left the house after quarrel with her husband-Manoj, because she was having illicit relations with the present applicant. Therefore, the motive, if any, to commit the offence is of the husband, but not the present applicant.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the evidence of the prosecution witnesses particularly Manoj, husband of the deceased, Saroj Bhabhi, Sukhram-Uncle-in-law and Nageshwari (cousin) would show that the applicant was having illicit relations with the deceased and the present applicant came to meet the deceased in the last week of month of October, he had also come to the house of Sukhram, Uncle-in-law. The call detail of the applicant with the deceased till 08-12-2019 shows that the applicant and the deceased were in continuous contact with each other. According to Nageshwari (cousin), the deceased left the house on 02-12-2019 and thereafter she was not seen. The dead body was found in the jungle on 15-12-2019. According to the postmortem report, death had taken place within 3-5 days of the date of the postmortem. If all these evidence is taken together, it forms a chain to make out a case against the applicant that it is the applicant, who murdered the deceased. He would also submit that on applicant's memorandum, the footwear of the deceased was found from the spot, where the dead body was found.

5. On prima facie consideration, it is found that the applicant has been arrested on the allegation that he was having illicit relation with the deceased. There is some evidence that he had been talking to the deceased till 08-12-2019. The footwear of the deceased has been seized from an open place where the dead body was recovered. There is no evidence except this, in the opinion of this Court, the present is a fit case for grant of bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge