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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3540 of 2020**

- Ajeet Kurrey S/o Khikhoram Kurrey, Aged About 30 Years, R/o Village Junwani, Police Station Bhatgaon, District Baloda Bazar-Bhatapara, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Police Station Bhatgaon, District Baloda Bazar-Bhatapara, Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Satya Prakash Verma, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/08/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 20.02.2020, on the allegation of having committed offence under Sections 302, 34 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.305/2020 registered at Police Station- Bhatgaon, District- Baloda Bazar- Bhatapara (C.G.).
3. Prosecution case is that the applicant and co-accused- Saheblal were having animosity with the deceased and with that motive they assaulted and strangulated the deceased to death.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated by the police. He would argue that the only basis to involve the applicant is a letter which is said to be found in the hands of the deceased from the spot where her dead body was found. But this letter does not find place and does not find mentioned in the inquest report prepared at the spot by the police in the presence of as many as six witnesses, though other articles found at the spot have been mentioned. He further submits that hand writing expert's report that the hand writing on the letter allegedly recovered

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from the spot where dead body was found and the hand writing of the compromised letter submitted by the applicant- Ajeet in the police station being similar, is itself doubtful from the very contents of the opinion itself. He would submit that in the present case, from the husband of the deceased, a blood stained scissor was seized and the father of the deceased had made serious allegation against Mahendra who is the husband of the deceased that the relationship of Mahendra with his wife Malti, the deceased, were strained, she was harassed and even an attempt was made to set her on fire. In instead of taking action against the husband, the police has involved the applicant after long time only on the basis of letters seized which is said to be in the hand writing of the present applicant. Therefore, it is argued, there is no incriminating evidence collected by the prosecution against the applicant to even make out a prima facie case against the applicant of murdering the deceased. The applicant has been arrested and investigation is complete and charge sheet has also been filed. In such a case applicant may be granted bail.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submitted that the hand writing expert's report prima facie shows that the hand writing of the letter which was found in the hands of the deceased and the hand writing submitted by the applicant in the police station regarding compromise in another case are similar. He would submit that another letter was also found from an open place which, according to the prosecution, is also written by the applicant in which an attempt to implicate others in the murder of the Malti was made. The letter found in the hands of the Malti from the spot also seeks to involve other persons in murder of Malti. He would also submit that there are witnesses who have said that on the date where Malti was found dead, on that day Malti was found talking to the applicant for around one hour.
6. I have heard learned counsel for the parties and considered the material disclosed during the course of the hearing by the State counsel after perusal of the case diary. It appears that the involvement of the applicant is based on recovery of a letter from the hand of the deceased. In the inquest report, this letter does not find place, does not find mentioned, though, the dead body was thoroughly examined by the witnesses and all other articles found therein were mentioned. Crime details form has been prepared on 9.11.2015. This crime details form prepared after three days, mentioning the letter. The memorandum of seizure has also been prepared on 7.11.2015 in which there

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is mentioned that a letter was found at the spot. The hand writing expert's report is said to be the material to involve the applicant to the extent that the letter found at the spot was prepared by the applicant. More over the father of the deceased stated against his son-in-law. A blood stained scissor is seized from Mahendra, the husband of the deceased, in respect of which, no report is obtained from FSL. Therefore, taking into consideration the aforesaid material and the involvement of the applicant is based on recovery of the letter from the spot which is said to be prepared by the applicant, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-

a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge