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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3564 of 2020**

- Padum Gupta S/o Dinbandhu Gupta Aged About 40 Years Village Karrahan Police Station Lailunga , District Raigarh Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through Officer - In - Charge Police Station Lailunga, District Raigarh Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Ashutosh Mishra, Advocate.
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/08/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 10.12.2019, on the allegation of having committed offence under Sections 302 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.66/2020 registered at Police Station- Lailunga, District- Raigarh (C.G.).
3. Prosecution case is that the applicant and the deceased were familiar, known to each-other and they were frequently meeting. The deceased was called by the applicant to go along him for purchase of jewellery at Lailunga. Later on dead body of the deceased was found and it is said that it is the applicant who killed the deceased by hitting hard on her head with the help of a stone.
4. Learned counsel for the applicant submits that he has been involved in the case only on the basis of suspicion, without there being any evidence collected by the prosecution till filing of the charge sheet. He would submit that there is no recovery of any incriminating article. The stone allegedly seized from the possession of the applicant has not been sent to FSL to verify the presence of blood. It is further submitted that the stone which is alleged to be used in hitting deceased was found at the spot and has not been recovered from any hided place in exclusive possession of the present applicant. The

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daughter of the deceased has not stated regarding presence of the applicant at the spot. Nobody has seen the applicant and the deceased together. There is no evidence of applicant talking to the deceased over mobile cellphone. Therefore, it is argued, only a suspicion and no evidence.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submitted that the daughter of the deceased stated that the applicant had gone along with her mother/deceased on the call given by the present applicant, as informed to her by her mother and mid way her mother received call from the present applicant and thereafter, she was asked to go back home and her mother went ahead and then, after few days, her dead body was found. Learned State Counsel further submits that from the possession of the applicant stole has been seized, which is found containing blood stained like spot, on the memorandum of the applicant, from the spot of the incident, a blood stained stone has also been recovered.
6. Upon consideration of the submission, made by the learned counsel for the parties and considered the material disclosed from the case diary and charge-sheet, the involvement of the applicant is based on the statement of the daughter of the deceased that deceased informed her that she has been called by the applicant. However, the daughter has not stated regarding presence of the applicant or deceased going along with the applicant. There is no evidence of last seen. The stole recovered from the possession of the applicant has not been sent for FSL examination. Stone used for killing the deceased was recovered from the spot and not from the exclusive possession of the applicant. Therefore, on this consideration, present is a fit case for grant of bail and 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.

Sd/-

(Manindra Mohan Shrivastava)
Judge