

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4277/2020

- Saheblal Baghel S/o Hariram Baghel, aged about 45 years, R/o Village Junwani, P.S. Bhatgaon, District Baloda Bazar-Bhatapara (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Bhatgaon, District Baloda Bazar- Bhatapara (CG)

---- Respondent

 For Applicant : Shri Satya Prakash Verma, Advocate
 For Respondent/State : Shri H.S. Ahluwalia, Dy. Adv. General

Hon'ble Smt. Justice Rajani Dubey
Order On Board

14.09.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.305/2015, registered at Police Station Bhatgaon, District Baloda Bazar, Bhatapara (CG) for the offence punishable under Sections 302, 34 of the IPC.
3. As per the case of prosecution, the present applicant along with the co-accused on account of enmity has assaulted and strangled the deceased namely- Malti Banjare to death.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant has been arrested only on the basis of a letter which is said to have been found in the hands of the deceased from

the spot where her dead body was found, but this letter does not find place and mentioned in the inquest report prepared at spot by the police in presence of witnesses. It is alleged that thereafter one envelope was also seized from the road side. He further submits that from the possession of husband of the deceased, a blood stained scissor was seized and father of the deceased had made serious allegations against Mahendra, husband of the deceased, in respect of which no FSL report is obtained; and relations of the deceased and her husband were strained. He argued that the applicant has no concern with the letters and there is no incriminating evidence against the applicant. He submits that main allegations are against the co-accused, Ajeet Kurrey who is relative of the present applicant, has been released on bail by this court in MCRC No. 3540/2020. He prays for releasing the applicant on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant was having relations with the deceased and he is relative of the co-accused and both have committed the murder of the deceased.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that a blood stained scissor is seized from the possession of Mahendra, husband of the deceased, in respect of which, no FSL report has been obtained and father of the deceased has raised serious allegations against him; and the

co-accused has been released on bail, I am of the opinion that present is a fit case to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE