

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5322 of 2020**

- Mansha Ram Mahto @ Naka S/o Shri Mohan Mahto Aged About 33 Years R/o Village Kudmura, Police Station Kartala, District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Syang, District Korba Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Dharmesh Shrivastava, Adv.
For Respondent-State	:-	Mr. K.K. Singh, G.A.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**19/10/2020**

1. Heard.
2. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.02/2020 registered in Police Station Syang, District – Korba C.G. for the offence punishable under Section 302, 201, 120-B of the I.P.C.
3. Case of the prosecution, in brief, is that deceased – Krishna Kumar Kanwar had an affair with the co-accused Ku. Komal.

Since her marriage was fixed with some other boy, the deceased was threatening that he will not allow Ku. Komal to marry any other boy. On this dispute, the accused persons hatched conspiracy to eliminate the deceased and in furtherance thereof they strangled the deceased and threw the dead body at Datar Dam, Korba. The deceased was found missing after 10.12.2019. His father lodged the missing report on 19.12.2019. The dead body was found in the Dam on 16.01.2020 whereafter merg intimation was recorded and after merg enquiry, the FIR was registered against unknown accused on 20.01.2020.

4. There is no eye witness to the incident. The accused persons have been arrested on the basis of their disclosure statement in which the applicant has allegedly confessed to commit murder by causing strangulation. However, except the memorandum statement there is no other evidence in the nature of extra judicial confession or last seen together. Co-accused – Itwar Das has already been released on regular bail by this Court vide order dated 17.08.2020 in MCRC No.4284 of 2020.
5. Learned State counsel would oppose the prayer for grant of bail.
6. Considering the entire fact situation of the case, this Court is inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed

and the applicant is directed to be released on bail on executing a personal bond for a sum of ₹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

Ayushi