

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6664 of 2020**

Suryaprakash @ Annu Dhurve, S/o. Nandkumar Dhurve, Aged About 21 Years, R/o. Ghonghadih, Police Station Kota, Tahsil Takhatpur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Chowki Belgahna, Police Station Kota, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Pramod Verma, Sr. Advocate with Mr. Virendra Verma, Advocate.
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For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.12.2020

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 11.05.2020 in connection with Crime No.202/2020 registered at Police Chowki Belgahna, Police Station Kota, for the offence punishable under Section 302, 34, 120-B of Indian Penal Code.
2. As per the prosecution case, in the night of 10.05.2020, Jhul Bai along with other co-accused committed murder of her husband namely Raju Baiga for the reason that Raju & Jhul Bai, husband & wife were not having cordial relation and the wife had illicit relation with Jhanglu, therefore, they committed murder.
3. Learned counsel for the applicant submits that on the basis of the memorandum, the motorcycle and mobile was recovered from the applicant wherein certain talks were made and the statement of Ku. Geeta Baiga, daughter of Chandan, one of the co-accused, though the name of the applicant have been made that on the night he came to the house but

identification has not been established by test identification. Therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and she would submit that the statement of Ku. Geeta would reveal that when the identification was made, the identity was disclosed that the applicant is one of the conspirator and thereafter they went out and committed the murder.
5. Perused the statement of Ku. Geeta. It appears that the identification was on hearsay and test identification has not been carried out. Considering the nature of evidence, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-
(Goutam Bhaduri)
Judge

Ashok