

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6650 of 2020**

- Budhram Kawasi S/o Chalki Kawasi Aged About 40 Years R/o Vill. Tirthum Thana Kodena Distt. Bastar Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Thana Kodena, Distt. Bastar, Chhattisgarh

**---- Respondent**

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|---------------|---|-------------------------------------|
| For Applicant | : | Mr. Vikash A. Shrivastava, Advocate |
| For State     | : | Mrs. Richa Shukla, Dy. G.A.         |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**16.12.2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as he was arrested on 27.01.2019 in connection with Crime No.05/2019, registered in Police Station Thana Kodena Distt. Bastar (C.G.) for offence punishable under sections 458, 354, 323 and 302 of IPC.

2. As per the prosecution case, on 22.01.2019 the applicant forcefully, on the point of a knife, took away one Kumari Harne thereafter she was found injured under a tree. Subsequently, she died.

3. Learned counsel for the applicant submits that the prosecution case was based on last seen theory of Mongdi Gavde, Jayanti Gavde and Sukhmat Gavde and the report was made by the brother of the deceased namely Manglu Gavde. He would submit that all of them have turned hostile

and not supported the case of prosecution.

4. Learned State counsel do not dispute the fact that the last seen witnesses including the complainant have turned hostile.

5. Considering the statement made and the fact that the appellant is in jail since 27.01.2019, I am inclined to release the applicant on bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

6. Certified copy as per rules.

Sd/-

**(Goutam Bhaduri)**

**JUDGE**