

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7042 of 2020**

- Thanwar Singh Yadav, S/o Shri Chamruram Yadav, aged about 25 years, By Caste Raut, R/o Village- Charbhata, Tahsil & Thana- Keshkal, Distt.- Kondagaon (CG).

---- Applicant
(In Jail)

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Kanker, Distt.- North Bastar Kanker (CG)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board**15.12.2020**

1. This is first bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973 as he is in custody in connection with Crime No.183/2020 registered at Police Station Kanker, District North Bastar Kanker (CG) for commission of the offence punishable under Sections 302, 201/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27.1.2020 Bhagirathi, father of deceased Bharti Yadav, lodged a missing report of his daughter in the police station stating that his daughter went out of the house but did not return back. On 5.6.2020 complainant Bhagirathi again visited the police station and informed that as per his knowledge, his missing daughter has performed marriage with Devchand Dhankar. In the course of search of his daughter, complainant Bhagirathi contacted accused Devchand Dhankar and enquired about his daughter, but he gave evasive replies which creates doubt in his mind and he informed the police. On the basis of this information, the police arrested Devchand Dhankar and interrogated him. He disclosed that he committed murder of Bharti Yadav and thereafter buried her body under the

sand near the bank of river Turi with the help of present applicant. Memorandum statement of accused Devchand Dhankar was recorded and on the basis of disclosure statement made by him, skeleton and articles belonging to deceased Bharti Yadav were recovered from the river. On the basis of memorandum of accused Devchand, present applicant was also taken into custody and his memorandum statement was also recorded.

3. Mr. Sunil Sahu, learned counsel for the applicant submits that the applicant was working as Cleaner in the truck of which accused Devchand was driver. It is Devchand Dhankar who brought deceased Bharti Yadav in the truck. Though accused Devchand Dhankar had disclosed to this applicant that he is going to commit murder of Bharti Yadav, but due to fear present applicant did not disclose the same to anyone. He submits that in the entire case diary there is no material to show that present applicant has taken active part in commission of crime or assaulted the deceased in any manner. As per allegation, the applicant has only helped the main accused in causing disappearance of the evidence of a crime by burring body of deceased and her other articles beneath river sand.
4. On the other hand, Mr. Ashish Tiwari, learned Government Advocate for the State controverted the submissions made by learned counsel for the applicant and submits that since beginning this applicant was fully aware about the intention and plan of accused Devchand of committing murder of deceased Bharti Yadav, but he did not disclose the same to anyone and as such, he is equally liable for the offence. In support of his submission, learned counsel relies upon the memorandum statements of applicant and co-accused Devchand.
5. I have heard learned counsel for the parties.
6. Taking into consideration the entirety of facts and circumstances of case, nature of allegation, material available in case diary against present applicant and the fact that he has been made accused on the basis of memorandum

statement of accused Devchand, without commenting anything upon the merits of case, I am inclined to enlarge the applicant on regular bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-