

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7513 of 2020

1. Madhav Yadav S/o Ghabilo Yadav Aged About 26 Years R/o Village Padigoav, Tahsil And District Raigarh Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Thana In-Charge, Chakradhar Nagar, Raigarh District Raigarh Chhattisgarh

---- Respondent

For Applicant

Mr. Rajendra Tripathi, Advocate

For Respondent /State

Mr. H.S. Ahulwalia, Dy. Adv. General

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

11/12/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.7/2019, registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (CG), for the offence punishable under Sections 376, 302 & 201 of the Indian Penal Code.
3. Applicant has allegedly committed rape and murder of deceased-prosecutrix, aged about 50 years, during the intervening night of 30/31-12-2018.
4. Learned counsel for the State would oppose the bail application.
5. There being no eyewitness to the crime, the case against the applicant is based on statement of three witnesses namely;

Uddav, Deenbandhu Yadav & Deepak Dewangan, who are said to have last seen the applicant with the deceased, however, perusal of the statements of above three witnesses would reveal that in the evening of 30-12-2018 this applicant was in the company of the above three witnesses and having known that a lady is shouting in a state of intoxication the applicant stayed back while the above three witnesses returned to the liquor shop. It is said that, later on, the applicant reached back and informed Uddav that the lady has slept and in the morning he informed that she has died.

6. In view of the above statement it is debatable as to whether the three witnesses are, in fact, witnesses to the fact of last seen together as they have never seen the applicant with the deceased at any point of time. Thus, except for the memorandum statement of the applicant pursuant to which nylon rope used for strangulating the deceased has been recovered, there is no other substantive evidence against him.
7. Considering the quality of evidence and the length of pre trial detention of the applicant who is in jail since 6-1-2019 i.e. for almost two years, I am of the opinion that present is a fit case to release the applicant on regular bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in 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.
9. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)
Judge

Gowri