

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 327 of 2021

- Majinder Singh @ Neetu S/o Nirmal Singh Bhullar Aged About 29 Years R/o Village Veersawarkar Nagar Hirapur CH 178, Police Station Kabirnagar Raipur, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Amanaka, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For State/Non-applicant – Smt. Fouzia Mirza, Additional Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-01-2019 in connection with Crime No.21/2019 registered at P.S. - Amanaka, District Raipur, Chhattisgarh for the offence under Section 302, 394, 397, 120B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. There is no direct evidence of any eye-witness against him. He has been roped in as accused only on the basis of the memorandum statement given by the co-accused. Seizure of currency notes from the possession of this applicant does not make out any connection with the crime committed. The applicant is in jail since 18-01-2019 and there is no possibility of conclusion of trial in near future. Therefore, it is prayed that he may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the submission made in this respect and submits that on the basis of memorandum statement given by co-accused Mujahid Raza, there is evidence that this applicant clearly

involved in the commission of crime of murder and further, on the basis of memorandum statement itself amount of Rs.70,000/- has been recovered from this applicant. It is also submitted that call details collected in the investigation also supports the prosecution case. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, deceased Mohammed Siraj had gone to meet co-accused Mujahid Raza with intention to deal with purchase of a vehicle. The dead body of the deceased was found on 16-01-2019. After lodging of the merg intimation and merg enquiry, the FIR has been lodged. Name of this applicant appeared in the memorandum statement of the co-accused person.

6. Considered on the submissions. Looking to nature of the evidence that is proposed to be brought in the trail against this applicant by the prosecution side and other circumstances, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge