

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**M.Cr.C. No.614 of 2021**

Smt. Sagarmati Wd/o Late Babulal, Aged About 40 Years, Caste -Panika,  
 R/o: village -Qtr. No.692 Shakti Nagar Colony, Jarhi, Police Station  
 -Bhatgaon, District -Surajpur, Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh Through Station House Officer, Police of Police  
 Station- Bhatgaon, District -Surajpur, (CG).

--- Respondents

---

|                      |                                   |
|----------------------|-----------------------------------|
| For Applicant        | : Mr. Amar Nath Pandey, Advocate. |
| For Respondent/State | : Mr. Siddharth Dubey, Dy,GA.     |

---

**Hon'ble Shri Parth Prateem Sahu, J**  
**Order on Board**

**03/03/2021**

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.35/2020, registered at Police Station -Bhatgaon, District -Surajpur, (CG), for the offence under Sections 302, 201, 120-B & 34 of the Indian Penal Code.
2. Case of the prosecution is that on 27.03.2020, Babulal since deceased after taking dinner went for walk but did not return back to his house. On the next day, he was found lying dead near water canal. In the post-mortem report cause of death is recorded as 'Asphyxia due to smothering'. FIR was lodged on 28.03.2020 by son of deceased (Shashi Kumar) against un-known persons. On 27.06.2020 Shashi Kumar heard talks between present applicant and Maniranjana Mishra @ Pintu Mishra, Sitaram Yadav. Maniranjana Mishra was informing the applicant that as per their plan, they have committed murder of Babulal. Based on subsequent statement of Shashi Kumar, applicant has been implicated in the aforesaid crime and arrested.

3. Learned counsel for the applicant submits that son of deceased initially lodged complaint against unknown persons. Subsequent statement made by Shashi Kumar, after more than three months of incident, that on 27.06.2020 he heard talk of applicant with Maniranjana Mishra and Sitaram Yadav, discussing commission of offence, is highly improbable, because after commission of offence, no one would discuss the same in a house where other persons are also present. Learned counsel further submits that co-accused person namely Maniranjana Mishra has already been granted bail by this Court vide order dated 15.12.2020 passed in MCRC No.7714/2020 and case of present applicant also stands on the similar footing, hence, he may be released on bail.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that applicant and other co-accused persons have been arrested based on statement of Shashi Kumar. Statement under Section 164 of Cr.P.C has also been recorded before the Court below where he made specific allegations against applicant, hence, applicant is not entitled for grant of bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case and the fact that co-accused person has been granted bail by co-ordinate bench of this Court on the similar facts and case of present applicant also stand on the same footing, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

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

Certified copy as per rules.

**Sd/-**

**(Parth Prateem Sahu)**  
Judge

Jamal/-