

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1163 of 2021**

Vijay Kumar Vishwakarma S/o. Brijbhan Vishwakarma Aged
About 25 Years R/o- New Mines, Bhatgaon, P.S.- Bhatgaon,
District- Surajpur (Chhattisgarh).
--- Applicant

Versus

State of Chhattisgarh through S.H.O., Sub-Station - Latori,
P.S. Jainagar, District- Surajpur (Chhattisgarh). ---
Respondent

MCRC No. 2153 of 2021

Sanjay Kumar Vishwakarma, S/o Hiralal Vishwakarma, Aged
About 22 Years R/o - Village Chendra (Bhandarpara), Sub -
Station - Chendra, Police Station - Jhilmili, District - Surajpur
Chhattisgarh. ---- Applicant

Versus

State of Chhattisgarh through the S.H.O., Police Station
Jainagar, District - Surajpur Chhattisgarh. --- Respondent

For the applicants	:	Mr. Maneesh Sharma & Mr. Arvind Singh, Advocates.
For the Respondent	:	Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.08.2021

1. These are first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in Crime No. 291/2020 of P.S. Jainagar, Sub-Station Latori Distt. Surajpur (C.G) for the offences punishable under Sections 302, 201 & 34 of IPC.
2. As per the prosecution case, the dead body of one Harish Rajwade was found on 22.11.2020 and subsequently during

investigation it was revealed that on 22.11.2020 the present applicants Vijay Kumar Vishwakarma and Sanjay Kumar Vishwakarma were consuming liquor at sub-station and the deceased went there and wanted liquor, on which, a quarrel took place. During scuffle Vijay Kumar Vishwakarma hit the deceased by wooden log on his head and thereafter his dead body was thrown out of sub-station.

3. Learned counsel for the applicants submits that there is no eye-witness to the incident and only on the memorandum statement, the wooden log was recovered from Vijay Kumar Vishwakarma and it has no nexus with the murder and applicant Sanjay Kumar Vishwakarma has been inculpated only on the basis of memorandum statement. He would submit that even the wooden log which was seized near at sub-station was in evening, however, in the morning itself, the other articles relating deceased were seized from sub-station, therefore it is a case of no evidence. He submits that the applicants are in jail since 23.11.2020 and looking to the nature of evidence, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail and would submit that one Mohd. Tahir stated that he has lastly seen the deceased going to sub-station and thereafter during investigation, it was revealed that the applicants have committed murder.
5. Having heard the submissions of learned counsel for the parties, it appears that only on the basis of memorandum statement, the applicants have been arrested and the seizure of wooden log was from a side of a road which is an open place near sub-station. Considering the nature of

evidence available against the applicants, I am inclined to allow these bail applications.

6. Accordingly, the bail application are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**