

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1400 of 2021**

- Kailash son of Mohan, aged about 25 years, Caste Gond, R/o Ghoghadih, Police Station Kota, District Bilaspur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the Station House Officer, Police Station- Kota, Distt. Bilaspur, Chhattisgarh

-----Respondent

For Applicant	: Mr. Virendra Verma, Advocate.
For Respondent- State	: Mr. Vimlesh Bajpai, Govt. Adv.

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****06/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 202/2020 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 302, 34 and 120-B IPC.
2. As per the case of prosecution, in the night of 10.05.2020, when deceased Raju Baiga was sleeping in his house along with his wife and child, some person entered into the house and committed murder of Raju Baiga. The incident was reported, based upon which, F.I.R. was registered against unknown person. During the course of investigation, Suryaprakash @ Annu Dhurve, Chandan Singh Baiga, Jhool Bai Baiga and present applicant have been arrayed as accused persons in the instant crime and were arrested.
3. Mr. Virendra Verma, learned counsel for the applicant submits that there is no material against the present applicant to connect him in the instant crime. He further submits that the name of applicant finds place in the statement of Ku. Geeta Baiga, daughter of deceased Raju Baiga, that she

has been acquainted about the name of accused persons by her father. Except this, there is no material to connect the present applicant in the case. He further submits that even the test identification of the present applicant has not been taken place that the present applicant is the person who was present in the house at the time of incident. He further pointed out that co-accused Suryaprakash @ Annu, Chandan Singh Baiga and Smt. Jhool Bai were released on bail in MCRC Nos. 6664/2020, 7759/2020 and 8029/2020 respectively and against these persons also there were similar allegations.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State, while opposing the submission made by learned counsel for the applicant, submits, that the police has seized a button from the place of incident which has been identified to be the button of seized cloth of present applicant.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration nature of allegation, nature of evidence collected by the police, the fact that Suryaprakash @ Annu Dhurve, Chandan Singh Baiga and Smt. Jhool Bai were released on bail against whom there were similar nature of allegations levelled, as stated by learned counsel for the applicant, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.50,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant 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

Pawan