

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1478 of 2021**

- Yuvraj Sahu S/o Shri Kisan Lal Sahu, aged about 30 years, R/o Parsathi, Chowki Karelibaldi, P.S. Magarlod, District Dhamtari, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the Officer incharge, police station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. R.S. Patel, Advocate
For Non-applicant/ State	: Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****27/07/2021**

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. 488/2019 registered at Police Station City Kotwali, District Dhamtari (C.G.) for the offence punishable under Sections 302, 120-B/34 of IPC.
2. Case of the prosecution is, that Deepak Sen was step-son of co-accused Santoshi Sen, they were having some dispute with regard to alleged illicit relationship of Santoshi Sen with third person. On account of said dispute, Santoshi Sen with the help of co-accused Radheshyam Sen, Vijay Sen and present applicant Yuvraj Sahu has killed deceased Deepak Sen. Deepak was found lying in serious injured condition near PG college ground, Dhamtari. He was taken to hospital where he succumbed to the injuries. Merg was intimated to concerned police station based on which instant crime was registered against unknown persons and during the

course of investigation, present applicant and three other co-accused persons were arrested.

3. Mr. R.S. Patel, learned counsel for the applicant submits, that his name is not mentioned in the F.I.R., he has been made accused in the crime only on the basis of memorandum statement of co-accused Vijay Sen. He further submits that all the three other co-accused persons ie. Vijay Sen, Radheshyam Sen and Santoshi Sen have been enlarged on bail by co-ordinate bench of this Court in MCRC No. 303/2021 and MCRC No. 121/2020. He submits that the case of present applicant also stands on same footing, hence, he may be enlarged on bail.
4. On the other hand, Mr. B.P. Banjare, learned State counsel, opposes the submissions made by the learned counsel for the applicant and submits that the applicant was arrested on the basis of memorandum statement of co-accused and also there is evidence against present applicant of call detail on the mobile phone of deceased. Further, on putting specific query, he submits that the allegation and the evidence collected by the investigating agency against all the accused persons are similar.
5. I have heard learned counsel for the respective parties.
6. Learned counsel for the applicant has placed on record the orders passed in aforementioned MCRCs enlarging the co-accused persons on bail, the Court has considered in detail with regard to FSL report and other material collected by the prosecution against those applicants.
7. Considering the facts and circumstances of the case, nature of allegation and further that the other co-accused persons have already enlarged on bail on similar allegation, material and

evidence collected in the challan, without commenting anything on merits, I am inclined to allow the bail application.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court below 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