

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2043 of 2021**

- Umesh Kerketta S/o Poulush Kerketta Aged About 22 Years R/o Village Darkona Kamarsratola, Police Station Lundra, District Sarguja, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Shri Arun Kumar Shukla, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 06.08.2020 in connection with Crime No.149/2020 registered at Police Station Rajpur, Dist. Balrampur-Ramanujganj (CG) for the offence punishable under Sections 302, 201/34 of Indian Penal Code & Sections 25, 27 of Arms Act.
3. As per the prosecution case, on the intervening night of 04/05-08-2020 Lahun Ram, who was having a dispute over a land, was murdered and his body was thrown in the river Gagar which runs in the backside of the house. Subsequently, when the dead body was found the matter was investigated and

Sukhdev, Pradeep, Mangal and Rameshwar and the present applicant were arrested.

4. Learned counsel for the applicant submits that there is no evidence against the applicant and only on the basis of presumption, the entire family has been inculpated and though it is been stated that one eye witness Abhishek has named two persons but the applicant has never been identified. He would further submit that the series of incident would show that the eye witness who is said to be the grandson of the deceased has not disclosed this fact to his father even when the search of deceased was made the entire day, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail. He read out the statement of Abhishek, who is said to be the eye witness.
6. Considering the fact that the eye witness in his statement has named Sukhdev & Mangal along with other person, however, the applicant has not been identified and also taking into the nature of evidence, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu