

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4431 of 2021

1. Lekhram @ Balaram Patel S/o Late Bhuwanlal Patel, Aged About 38 Years R/o Village - Khuteri, Police Station - Khallari, Tah. & District - Mahasamund Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through - Station House Officer, Police Station - Khallari, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant	Mr. Raghvendra Pradhan, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv. General

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ17/8/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.229/2020, registered at Police Station Khallari, District Mahasamund (CG), for the offence under Sections 302, 201, 120-B/34 of the Indian Penal Code.

3. Applicant has allegedly committed murder of Yogesh Kumar Sen (since deceased) during the period 26-11-2020 to 29-11-2020. It is alleged that at about 9.00 pm on 26-11-2020 the deceased left his house by informing his mother that he is going to elope with the co-accused Bhuneshwari Patel, who is wife of the present applicant. It is not clear from the material in the case diary as to whether the deceased was married or not. In any case, this applicant was married with Bhuneshwari, therefore, it was an affair of the deceased with the co-accused Bhuneshwari. With this background, the dead body of the deceased was found in the dilapidated house of Manharan Pandey whose house is adjacent to the house of the present applicant.
4. As against the present applicant the only evidence available is of his memorandum statement and consequent recovery of axe. There is no eyewitness of the incident nor there is evidence of extra judicial confession or last seen together. There is no FSL report of the axe recovered from the applicant. In the postmortem report no definite opinion has been given as to the reason for death.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. Considering the entire facts situation of the case; particularly considering the quality of evidence against the applicant; as also the fact that the applicant is in jail since 4-12-2020 i.e. more than 8 months; and the charge sheet

has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount 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.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri