

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6404 of 2021**

- Balinder S/o Heeralal, Aged About 22 Years Caste Gond, R/o Village Podi, P.S. And District Surajpur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	Mr. Rakesh Pandey, Advocate
For Respondent /State	Mr. VR Tiwari, Additional Advocate General with Mr. Arijit Tiwari, Panel Lawyer

SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J.
Order On Board

7/9/2021

1. Heard.
2. This is the second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.100/2019 registered at Police Station Ramanujnagar, District Surajpur (CG) for the offence punishable under Sections 302, 201 of the IPC.
3. The first application was dismissed, as withdrawn with liberty to move again after examination of the witnesses namely Rahul and Kumari Vimla.

4. The applicant and the deceased both were in friendly relation with one Vimla Bai (PW-13). When the applicant and the deceased had gone to attend a marriage ceremony, the applicant took the deceased to a nearby place and while sitting on the boundary of a well, he confronted the deceased about his relation with Vimla Bai. After sometime, the dispute arose and the applicant pushed the deceased into the well. There is no eye-witness to the crime. The applicant was allegedly last seen together with the deceased. However, the witnesses to this aspect of the matter namely Rahul Singh has already been examined before the trial Court as PW-7 and has not supported the prosecution.
5. Considering the quality of evidence and for the fact that the applicant is in jail since 21.5.2019 i.e. for about more than 2 years 3 months, I am inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing 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.
7. Certified copy as per rules. **Sd/-**

(Prashant Kumar Mishra)

Acting Chief Justice