

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6814 of 2020

- Nathu @ Shivnath S/o Shriram Patel Aged About 38 Years R/o Village Darwaja, Out Post- Khudiya, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post- Khudiya, Police Station Lormi, District Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Awadh Tripathi and Mr. Soumitra Kesharwani, Advocates
For State	:	Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.01.2021

1. Heard
2. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as he is arrested on 20.12.2018 in connection with Crime No. 537/2018, registered in Out Post- Khudiya, Police Station- Lormi, Distt. Mungeli (C.G.) for offence punishable under sections 302, 201 & 34 of the IPC.
3. As per the prosecution case, on 17.12.2018 for the reason of an old enmity, the applicant committed murder of one Shivcharan alias Tati Patel (deceased), thereafter on his memorandum the wooden log which was used to kill, was seized.
4. Learned counsel for the applicant submits that there is no eye

witness in this case and only on the basis of the memorandum, the applicant has been inculpated and only on that presumption the applicant has been arrested, therefore he may be enlarged on bail.

5. Learned State counsel opposes the submission made by learned counsel for the applicant and submits that according to the statement of one Asha Bai, applicant and the deceased were last seen together.

6. Perused the statement of Asha Bai. She only says that before the deceased visited their house, the applicant was present there. There is no FSL report in this case. Considering the nature of seizure made and the evidence available on record, I am inclined to release the applicant on bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

7. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE