

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6987 of 2021**

- Deepak Mistri S/o Mrinal Mistri, Aged About 27 Years R/o Banglapara, Narayanpur, P.S. Narayanpur, District Narayanpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Narayanpur, District Narayanpur Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Raza Ali, Advocate
For Respondent-State	:-	Mr. Gagan Tiwari, Dy.G.A.

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

28/09/2021

1. Heard.
2. This is a **third** application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.75/2020, registered at Police Station Narayanpur, Dist. Narayanpur for the offence punishable under Sections 302 & 201 of the I.P.C.
3. The first bail application bearing MCrC No.8485/2020 was

dismissed by order dated 18.2.2021 for want of prosecution.

While the second bail application bearing MCrC No.4946/2021 was rejected by order dated 27.7.2021 on merits reserving liberty in favour of the applicant to revive the prayer after examination of witness Sajal Biswas.

4. Today the matter is posted for hearing on admission, however, learned State counsel has already obtained the case diary and is ready to argue the matter, therefore, this Court proceeded to decide the matter finally.
5. Present applicant, witness – Sajal Biswas and deceased Pankaj were sleeping together in a room. At about 2'O clock in the midnight Sajal Biswas awoke to attend the nature's call and found that the deceased is not available on his bed. On enquiry from the applicant he confessed that he has committed murder of the deceased. In the postmortem report, deceased was found to have sustained three incised wound on different parts of the body, however, cause of death is by asphyxia due to throttling. The autopsy physician did not give any opinion about nature of death.
6. Witness Sajal Biswas to whom the applicant made extra judicial confession is no longer available for examination before the Court as he has left for heavenly abode on 12.6.2021.
7. Learned State counsel would oppose the prayer for grant of

bail.

8. Considering the quality of evidence against the present applicant and for the fact that he is in jail since 23.5.2020 i.e., for more than 1 year and 4 months, this Court is inclined to release the applicant on bail.
9. Accordingly, the third bail application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for 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.

Certified copy as per rules

sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi