

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7231 of 2021**

- Sumit Bhimte @ Raja S/o Late Shri Lakhan Lal Bhimte Aged About 37 Years R/o D.D. Nagar, Sector 3, Mig/75 P.S. D.D. Nagar, District- Raipur (C.G.)

----Applicant**Versus**

- State Of Chhattisgarh Through- Police Station Mana Camp, Raipur, District- Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Pragalbh Sharma, Adv.
For Respondent	:	Mr. Ravi Maheshwari, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.10.2021**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 60/2021 registered at Police Station – Mana Camp Raipur, District Raipur (C.G.) for the offence punishable under Sections 304, 201, 34 of the IPC.
- As per the prosecution case, the allegation against the present applicant is that on 03.05.2021 he took deceased Babli Bharti to the rented house of co-accused for prostitution and dropped her in unconscious condition to an unidentified place knowingly. Based on that, offence has been registered and the applicant has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. It is

next submitted that the name of the applicant does not find place in the FIR, he has been arrested only on the basis of memorandum and seizure but the memorandum and seizure witnesses have not supported the prosecution case before the trial court and turned hostile. The applicant is in jail since 12.05.2021, and he is ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon him by the Court, therefore, he may be released on bail.

- Per contra, learned State counsel opposes the bail application.
- I have heard counsel for the parties and perused the case diary.
- Considering the totality of the facts and circumstances of the case and nature of allegation and looking to the statement of the memorandum and seizure witnesses, I am of the opinion that present is a fit case to release the applicant on bail.
- Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
- It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**

V/-