

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7820 of 2020

Amar Lal Manikpuri S/o Salsay Panika Aged About 30 Years R/o Village
Dharampur (Chikni), Police Station Bhatgaon, District Surajpur, Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Bhatgaon, District Surajpur, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Pawan Kesharwani, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/01/2021

Heard.

1. The applicant has been arrested in connection with Crime No.126/2019 registered at Police Station- Bhatgaon, District Surajpur (CG) for the alleged commission of offence under Section 302, 201 of IPC.
2. Case of the prosecution is that the co-accused murdered his wife and the allegation against the present applicant is that he is also involved along with the co-accused in killing the wife of the co-accused.
3. Learned counsel for the applicant would submit that the arrest of the applicant and involvement in the alleged commission of offence is based only on suspicion and the prosecution has failed to collect any admissible evidence which, if proved, may lead to applicant's conviction. Learned counsel for the applicant would submit that only on the basis of so called memorandum statement of the co-accused, which is not admissible against the present applicant, the applicant has been involved. Learned counsel for the applicant would further submit that present is a case of no evidence against the present applicant, therefore, as investigation is complete, charge-sheet has been filed, therefore, the applicant may be granted bail.
4. On the other hand, learned counsel for the State would submit that though

against the present applicant, no incriminating circumstance has been collected in the charge-sheet but memorandum of the co-accused clearly shows that in the murder of his wife, present applicant was also involved. Therefore, such statement, it could be used against the present applicant.

5. Considering that the memorandum statement of the co-accused, is only basis for involving the applicant in the alleged commission of offence and taking into consideration the submission of learned counsel for the applicant that in the absence of discovery of any fact based on memorandum, from the present applicant and it being not a case of confessional statement of the co-accused, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge