

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7900 of 2021**

1. Jitendra Patel, son of Beersingh Patel, aged about 22 years, resident of village Kashi, Post Gujara, Police Station Patan, District Durg, CG.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Saja, District Bemetara (CG)

---- Non-Applicant

For Applicant	: Shri R.K. Pali, Advocate.
For Non-Applicant	: Shri H.S. Ahluwalia, Deputy AG.

Hon'ble Shri Deepak Kumar Tiwari, J**Order On Board****26/10/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.278/2021 registered in Police Station Saja, District Bemetara for offence under Section 364, 302, 120-B, 201, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 18.6.2021 one Khamhan Verma has lodged a missing report stating that his son namely, Yomesh @ Yogesh Verma received a call on 16.6.2021 at 10 pm from someone. He went with his motorcycle, but he did not return. Thereafter he lodged the missing report. During search on 21.6.2021 one Tihari Satnami informed him that he has seen his son with Chand @ Chhatrapal Verma and Kuleshwar Verma. They had gone on his motorcycle to Kodva. On this basis he enquired from these persons. They have disclosed about murder of his son. On the basis of memorandum of accused Chand @ Chhatrapal Verma and Kuleshwar Verma, it was disclosed that they had kept the motorcycle in his house.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime. He has been made accused only on the basis of memorandum of the co-accused persons and he has not participated in the crime in any manner. As the applicant is knowing person, on account of acquaintance with the co-accused the deceased permitted him to keep his motorcycle in his house because the motorcycle did not start, therefore, bonafidely given his motorcycle to him without any malafide intention. The applicant is in jail since 22.6.2021.
4. On the other hand, learned State Counsel opposes the bail application on submission that against the present applicant the only evidence is that he has kept his motorcycle left by the co-accused in his house and given his motorcycle to them.
5. Considering the facts and circumstances of the case and the evidence available against the present applicant, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.10,000/- 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.

Sd/-
(Deepak Kumar Tiwari)
Judge

Barve