

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9491 of 2020

- Pradeep Katare S/o Late Shri Suresh Katare Aged About 24 Years
Occupation - Driver, R/o Tyagi Nagar Murar, Gwalior, Madhya Pradesh, District : Gwalior, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Mungeli, District- Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

--Non-Applicant

For Applicant	: Shri D.K.Sharma and Shri Varunendra Mishra, Advocates
For Non-Applicant/State	: Ms. Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 7.9.2020 in connection with Crime No.445/2020, registered at Police Station- City Kotwali, Mungeli, District Mungeli(C.G.) for the offence punishable under Sections 302, 201, 34 of the IPC.
2. Case of the prosecution is that one Subodh Kumar Jha lodged a report on 9.8.2020 to the police that Hari Sweeper has informed him on phone that Near Padav Chowk Mungeli, Ganouri Pandit, who is looking after the management of Sulabh Shouchalaya, is found dead and somebody has assaulted him with a sharp edged weapon. During investigation on suspicion, the applicant and Shilanand Jha were taken into custody and their memorandum statements were recorded wherein Shilanand Jha admitted commission of murder of the deceased by assaulting

him with hammer and screw driver.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the report has been lodged against unknown persons and applicant is owner of the car and doing business and Shilanand Jha had hired his car and he had gone with him to Mungeli. He submits that the applicant has been arrested on the basis of suspicion and except car nothing has been seized from the possession of the applicant. He submits that the applicant is in jail since 7.9.2020 and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that on the memorandum of the accused iron hammer and one screw driver were seized.
5. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant; main allegations are against co-accused Shilanand Jha, who has admitted in his memorandum commission of murder of the deceased by assaulting him with hammer and screw driver and that he had hired the car of the present applicant, the detention period and except car nothing incriminating has been seized from the possession of applicant and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to

the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge

sunita