

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9161 of 2021

Dalhir Ekka S/o Thurka Ekka Aged About 50 Years R/o Village Navanagar,
Mahadev Tikra, P. S. Darima, District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Darima, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Respondent – State	:	Ms. Smita Jha, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

17.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.55/2021, registered at Police Station Darima, District – Surguja (CG) for the offence punishable under Section 302 and 201 of the IPC.
2. As per the prosecution case, on 01.04,2021, a merg intimation was lodged by the complainant to the effect that the dead body of the deceased – Lalo Bai was found in well adjacent to her house. The daughter of the deceased namely Anjela also stated that two persons namely Taklu @ Anuj and Dipalu Toppo had come to their house at about 11 p.m. in search of liquor after which her mother had woken up. After the investigation offence has been registered against the present applicant and other co-accused Anuj Ekka @ Taklu.
3. Learned counsel for the applicant submits that the applicant is innocent and

he is falsely implicated in the present case. He further submits that the other co-accused namely Anuj Ekka @ Taklu has already been enlarged on bail by this Court vide order dated 26.10.2021 in MCRC No.7112/2021. It is also argued that the daughter of the deceased Angela Ekka (PW-1) and Jivansaay Lakda (PW-2) who was Sarpanch of the Village have not supported the prosecution case in any manner and other evidence against the accused is also very weak, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statements recorded by the prosecution, the other piece of evidence available against the applicant, further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the 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/-

(Deepak Kumar Tiwari)
Judge