

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9655 of 2021**

- Manish Shrivastava S/o Gautam Shrivastava Aged About 24 Years
R/o Bazarpara, Jarhagaon, District- Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Takhatpur,
District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. K.P.S. Gandhi, Advocate
For Respondent-State	:-	Mr. B.N. Banjare, Dy.G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board**20/12/2021**

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.48/2021 registered in Police Station Takhatpur for the offence punishable under Sections 302, 392 of the I.P.C.
2. Case of the prosecution, in brief, is that on 01.2.2021 after getting dead body of an unknown person in Takhatpur, investigation was held in which the dead body was identified

to be of Pardesi Mallah, father of Rajendra Mallah. In Postmortem, the Doctor has opined that death was homicidal in nature due to head injury. During investigation, the applicant has been interrogated and on his memorandum statement, he has stated that he was taking deceased from old bus stand to Belsari road and demanding money and when the deceased denied to give money, he assaulted him by means of stone and caused death and also looted Rs.2100/-.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. He would further submit that no incriminating articles were recovered from the possession of the present applicant; he is in jail since 22.2.2021. Learned counsel for the applicant has also read over the statements of Lakshmi Prasad Yadav (PW1), Mulchand Shriwas (PW2), Dilshad Ahmed, Theodar Tirki (PW4) and Raju Dewangan (PW5) and submits that the case is based on the memorandum and witnesses to memorandum have turned hostile and there is nothing left in the prosecution case, therefore, the applicant may be enlarged on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.

5. Considering the fact and circumstances of the case as also considering the fact that the witnesses to memorandum have turned hostile and the applicant is in jail since 22.02.2021, 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 executing a personal bond for a sum of Rs.25,000/- with two sureties 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.

Certified copy as per rules.

SD/-

(Deepak Kumar Tiwari)
Judge

Ayushi