

Santram Bharti Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Feb. 19, 2019

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439
Indian Penal Code, 1860 " Section 34, 294, 302, 307, 506

Hon'ble Judges: Ram Prasanna Sharma, J

Bench: Single Bench

Advocate: Anil Singh Rajput, Raghavendra Verma

Final Decision: Allowed

Judgement

Ram Prasanna Sharma, J

1. This is third bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who have been arrested on 18.02.2018 in

connection with Crime No.78/2018 registered at Police Station Bilaigarh, Distt. Baloda Bazar- Bhatapara (C.G.), for the offence punishable under

Sections 294, 506, 307, 302/34 of the Indian Penal Code. Earlier bail applications MCrC No.4187 of 2018 was dismissed as withdrawn on 18.7.2018

and MCrC No.9612 of 2018 was dismissed for want of prosecution on 04.01.2019.

2. The trial is going on as Sessions Trial No.37/2018 by the Court of Third Additional Sessions Judge, Baloda Bazar (CG).

3. Learned counsel for the applicant submits that the applicant has been charge sheeted only on the basis of his discovery statement but the same is

not incriminating piece of evidence and there is no eyewitness account of the incident. The charge sheet has been filed on the basis of some doubts

against him and he is in jail since 18.02.2018, therefore, he may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances appeared in the charge sheet and further looking to the evidence of witnesses namely Laharam Sahu (PW-

2), Chandra Bhushan (PW-3), without further commenting on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his

furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall

appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.