

**(2018) 05 CHH CK 0210**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 2860 Of 2018

Mani Barik

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** May 25, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 302
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Deepak Jain, Anil Pillai

**Final Decision:** Allowed

**Judgement**

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 and is in jail since 21.12.2017 in connection with Crime No. 59/2017, registered at Police Station- Rajadevri, District Baloda Bazar-

Bhatapara (C.G.) for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

2. Case of the prosecution against the present applicant, in brief, is that the present applicant along with other co-accused person being Madav Manjhi

have assaulted the deceased Kailash on 17.12.2017 resulting in multiple injuries. The Kailash is said to have died on 19.12.2017 and the FIR in this

regard was lodged on 20.12.2017.

3. Learned counsel for the applicant would submit that except for the alleged memorandum statement of the co-accused Madav Manjhi who in his

statement has stated that the present applicant was also along with him when they assaulted Kailash, there is no substantial material with which the present applicant can be made accused in the instant case. He further submits that none of the witnesses have given the statement against the present applicant and thus prayed for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the bail application and submits that there is statement of the father of the deceased Arjun Sahu wherein the name of the present applicant is also reflected and thus opposes the bail application.

5. I have heard the counsel for either sides. Though the father of the accused has named the present applicant but from what sources he has come to know the involvement of the present applicant in the instant case is not reflected in his statement neither thus he say of having been informed by his son Kailash (deceased) in this regard. So far as the memorandum statement is concerned, the same by itself may not be strong evidence with which the present applicant can be implicated as an accused.

6. Given the facts and circumstances of the case this Court is of the opinion that strong case for grant of bail to the applicant is made out.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.