

Majinder Singh @ Neetu Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: May 17, 2021

Acts Referred: Indian Penal Code, 1860 " Section 120B, 302, 394, 397
Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Indira Tripathi, Fouzia Mirza

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of

regular bail. The applicant has been arrested on 18-01-2019 in connection with Crime No.21/2019 registered at P.S. - Amanaka, District Raipur,

Chhattisgarh for the offence under Section 302, 394, 397, 120B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. There is no direct evidence of any eye-witness

against him. He has been roped in as accused only on the basis of the memorandum statement given by the co-accused. Seizure of currency notes

from the possession of this applicant does not make out any connection with the crime committed. The applicant is in jail since 18-01-2019 and there is

no possibility of conclusion of trial in near future. Therefore, it is prayed that he may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the submission made in this respect and submits that on the basis of memorandum statement

given by co-accused Mujahid Raza, there is evidence that this applicant clearly involved in the commission of crime of murder and further, on the basis

of memorandum statement itself amount of Rs.70,000/- has been recovered from this applicant. It is also submitted that call details collected in the

investigation also supports the prosecution case. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, deceased Mohammed Siraj had gone to meet co-accused Mujahid Raza with intention to deal with purchase of a

vehicle. The dead body of the deceased was found on 16-01-2019. After lodging of the merge intimation and merge enquiry, the FIR has been lodged.

Name of this applicant appeared in the memorandum statement of the co- accused person.

6. Considered on the submissions. Looking to nature of the evidence that is proposed to be brought in the trail against this applicant by the prosecution

side and other circumstances, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.