

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7292 of 2016

1. Makhanlal Sapre S/o Dularva Sapre, Aged About 45 Years
R/o Village Ghosarra, Police Station Lalpur, District Mungeli
Chhattisgarh
2. Shankar Lal, S/o Ramkhilavan Sapre, Aged About 40 Years
R/o Village Dullapur (Bazar) Police Station Pandariya,
District Kabirdham Chhattisgarh, Recent Address - Village
Ghosarra, Police Station Lalpur, District Mungeli Chhattisgarh
--- Applicants

Versus

- State of Chhattisgarh Through Police Station City Kotwali,
Mungeli, District Mungeli Chhattisgarh --- Respondent

For the applicants	: Mr. Saurabh Dangi, Advocate
For the Respondent	: Mr. Neeraj Jain, Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 219/2014 registered at P.S. City Kotwali, Mungeli (C.G) for the offence punishable under Sections 302, 201, 120-B, 34 of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 31.05.2014 a report was made that one dead body was found in decomposed and burnt condition. After 4-5 months of the incident, one Tul Singh and Gondu Sahu during the course of altercation clamped allegations against each other wherein commission of murder of Devcharan @ Chandra Sapre came to fore and subsequently, on investigation, it was found that the applicants alongwith Janak Ram Sahu and Gondu Sahu and others have committed murder of Devcharan as he had illicit

relation with the wife of Janak Ram and some other ladies of the village, therefore, they all conspired to eliminate Devcharan and accordingly he was murdered and thereby the aforesaid offence was committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and there is no direct evidence against the present applicants except the memorandum statement of Janak Ram Sahu and no recovery has been made from the present applicants. It is also submitted that similarly placed accused Peelala Sapre has been enlarged on bail by this Court in M.Cr.C.No.6587 of 2016 on 25.10.2016. He would further submit that the charge sheet has been filed in this case; applicants are in jail since 15.04.2016 and no further investigation is required, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the person against whom similar allegations were made has been enlarged on bail by this Court in M.Cr.C.No.6587 of 2016.
5. I have heard learned counsel for the parties and have also perused the case diary, the documents and statements of the witnesses which would go to show that the applicants have been inculpated on the memorandum statement of accused Janak Ram. The documents would further show that the dead body was found to be half burnt and no recovery has been made from the present applicants.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the applicants and further considering the evidence available against the applicants and also the fact that the charge sheet has been

filed and the applicants are in jail since 15.04.2016 and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE