

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 777 of 2017

1. Samsuddin S/o Shri Abdul Majid Khan, Aged About 60 Years R/o Village Patna, Sarnapara, Police Station Patna, Tahsil Baikunthpur, District Korea Chhattisgarh
2. Kharija @ Khadiya Begam W/o Samsuddin, Aged About 55 Years (Wrongly Mentioned The Impugned Order Age 35 Year) R/o Village Patna, Sarnapara, Police Station Patna, Tahsil Baikunthpur, District Korea Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Patna, District Korea Chhattisgarh

---- **Respondent**

For Applicants : Mr. Ajit Singh, Advocate
For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-03-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 7-1-2017 in connection with Crime No. 7 of 2015, registered at Police Station Patna, District Korea (CG) for the offence punishable under Sections 302, 318, 315, 312, 201 & 120-B read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that Sachin and Anita came to the present applicants and Anita delivered a Baby and thereafter Sachin and Anita took away the Baby and subsequently the dead of baby was found in the well. It is alleged that due to illicit relation of Sachin and Anita, the baby was born which was killed by Sachin and other co-accused persons and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that against the present applicants the allegation of Section 302 of IPC is not made out which would be evident from the memorandum statement of Malti and the evidence collected by the prosecution as present applicants only held the baby was delivered and subsequently the baby was taken away by other co-accused persons. He would further submit that the applicants have been falsely implicated in the case, charge-sheet has been filed in this case, the applicants are in jail since 7-1-2017 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the memorandum statement of Malti Rajak wherein main allegations have been attributed to Sachin and Anita.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the present applicants and further considering the fact charge-sheet in this case has been filed and the applicants are in jail since 7-1-2017, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

