

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case****No.1902 of 2017**

1. Avan Singh S/o Tilakdhari Singh Gond Aged About 33 Years R/o Silwaritola, Sivni, Police Station- Marwahi, District- Bilaspur, Chhattisgarh.
2. Prem Singh S/o Ram Singh Gond Aged About 22 Years R/o Pandri, Police Station- Marwahi, District- Bilaspur, Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Marwahi, District Bilaspur, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Ms. Minu Banerjee, Advocate      |
| For Respondent/State | : Shri Neeraj Jain, Govt. Advocate |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****06.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.199/2016 registered in Police Station Marwahi, Distt. Bilaspur for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been arrested along with another co-accused Sunita @ Rameshia on 10.11.2016. The matter is pending before Additional Sessions Judge, Pendra Road, District Bilaspur as

Sessions Trial No.06/2017. On 13.02.2017, both the applicants have been charged with offence under Section 201/34 of IPC and co-accused Sunita @ Rameshia has been charged under Section 302 & 201 of the IPC. She is facing trial under Section 302 IPC and has not filed any application under Section 439 of the Cr.P.C. This is the first application filed on behalf of the applicants before this Court. As per the allegation, they caused disappearance of evidence of offence i.e. by shifting dead body of the Devsingh @ Gaja, husband of Sunita, to the forest, the offence committed by the present applicants are not for imprisonment for life or for capital punishment, they will cooperate with the trial, hence, they may be released on bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that both the applicants had caused disappearance of the evidence of offence by shifting the dead body from the place of incident to nearby forest, with this looking to the nature of offence, the application may be dismissed.

5. Perused the material.

6. On due consideration of the entire material, considering that the this is first application filed by the applicants, they have been tried only for the offence under Section 201/34 of IPC and also considering that no other criminal antecedent is reported against the applicants and also considering the totality of the facts and circumstances of the case, I am inclined to allow the application filed on behalf of the applicants.

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

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of Additional Sessions Judge, Pendra Road, Bilaspur for their appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-  
(Chandra Bhushan Bajpai)  
JUDGE