

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 299 of 2018**

1. Akhilesh Singh S/o Krishna Singh, aged about 25 years, R/o Bairag, thana Simra, District Aurangabad (Bihar).
2. Pappu Singh @ Dharmendra Singh S/o Raghuvar Singh, aged about 30 years, R/o Kritpura, Thana Koilwar, District Aara (Bihar).

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Jaamul, District Durg (C.G.).

----Non-applicant

For Applicants	:	Shri Sanjay Patel, Advocate
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2018**

1. The present is an application under Section 439 of Cr.P.C. for grant of bail to the applicants. The applicants are in jail since 21.03.2017, in connection with Crime No. 165/2017, registered at Police Station Jaamul, District Durg (C.G.) for the offence punishable under Sections 302, 201 read with Section 34 of Indian Penal Code.
2. The allegation against the present applicant as per the prosecution case is that, the present applicant along with the other co-accused person is said to have assaulted one Vishwanath Yadav on 19/03/2017 on account of which the said Vishwanath Yadav succumbed to the injuries.
3. The counsel for the applicants submits that, the trial in the instant case has already began and most of the material witnesses have already been examined including the two eye-witnesses namely Sunil Pandey and Jitendra Nagrere and all the material witnesses till now examined have turned hostile and have not supported the case

of the prosecution including the witnesses who were closely related to the deceased i.e. the father and brother in law of the deceased.

4. With the aforesaid facts the counsel for the applicants submits that, there is no possibility of conviction with the evidence that have till now been brought on record and thus prayed for releasing the applicants on bail.
5. The State counsel however opposing the bail application submits that, few more material witnesses are left to be examined and therefore the present applicants looking to the gravity of the offence did not deserve bail at this juncture and thus prayed for rejection of the bail application.
6. Having considered the facts and circumstances of the case what reflect is that, most of the independent material witnesses including the eye witnesses have already been examined and the only witnesses left are the police officials who are departmental witnesses. None of the material witnesses have supported the case of the prosecution and have turned hostile.
7. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima-facie a strong case for grant of bail has been made out.
8. Accordingly, the application for grant of bail is allowed. It is directed that the applicants shall be released on bail on there 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 there appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge