

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 58 of 2018**

1. Sayaturam S/o Manoram Baghel, Aged About 30 Years Residence At Village Gourdand P. S. Chhotedongar District Kondagaon Chhattisgarh , Chhattisgarh
2. Lalsay, S/o Late Rajuram Aged About 35 Years Residence At Village Gourdand P. S. Chhotedongar District Kondagaon Chhattisgarh , District : Kondagaon, Chhattisgarh
3. Massuram, S/o Rajman Nag, Aged About 44 Years Residence At Village Gourdand P. S. Chhotedongar District Kondagaon Chhattisgarh , District : Kondagaon, Chhattisgarh
4. Hariram, S/o Baldev, Aged About 42 Years Residence At Village Gourdand P. S. Chhotedongar District Kondagaon Chhattisgarh , District : Kondagaon, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Police Station Chhotedongar, District Narayanpur Chhattisgarh, Chhattisgarh

**---- Respondent**

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| For Applicant        | : | Mr. P.K. Tulsiyan, Advocate.        |
| For Respondent/State | : | Mr. Anil S. Pandey, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**19/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.5/2016 registered at

Police Station– Chhotedonagar District– Narayanpur(C.G.) for the offence punishable under Sections 302, 147, 148, 149, 458, 365, 120-B & 201 of the Indian Penal Code and under Section 5 of C.G. Tonhi Pratarna Prevention Act, 2005.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 1.4.2016 and the trial against them is still not concluded. There is no substance in the charge-sheet for prosecution of these applicants. No case is made out against these applicants. Hence, they may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient evidence against the applicants in the prosecution case. Hence, no case is made out for grant of bail. It is further submitted that only 3 witnesses are remaining to be examined at present, hence, there is question of delay in trial against the applicant in this case.
4. Heard both the parties and perused the case diary.
5. The allegation against these applicants is this, that applicants with others formed an unlawful assembly with common object of causing death of Sampat Belsariya and Smt. Neela Belsariya, for the reason that they were allegedly sorcerers and thereby committed the offence of murder of both of them.
6. Considered on the material present in the case diary also considered this fact that the trial is almost now the concluded, hence, at this stage any finding given in this application deciding the bail application may prejudice the decision of the trial Court, hence, I am not inclined to grant of regular bail.

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

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge

**Nisha**