

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1978 of 2018

- Rajeev Bhoi S/o Sankarshan Bhoi, Aged About 20 Years, Caste-Kotla, R/o- Pretandih, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Applicant (in Jail)

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

MCRC No. 2806 of 2018

- Satya Nag, W/o Ujal Nag, Aged About 44 Years, Caste Ganda, R/o Village Pretandih, Police Station And Tahsil Saraipali, District Mahasamund Chhattisgarh,

----Applicant (in Jail)

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	: Shri Yogeshwar Sharma & Shri Vikas Pradhan, Advcoates
For Respondent/State	: Shri Shashank Thakur, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/05/2018

As both the aforesaid applications arise out of the same crime No. they are being disposed of by this common order.

The applicants herein have preferred these bail applications under Section 439 of the Cr.P.C. as they have been arrested in connection with Crime No. 375/2017 registered at Police Station Saraipali, district Mahasamund for the offence punishable under Sections 363,302,201,34

IPC.

It is alleged that the applicants have committed murder of deceased Bunt @ Tarun Nayak aged about 6 years by strangulating him and throwing the dead body near the village pond. The applicants have been arrested on 21.11.2017 for the reason that they have long standing enmity with the family of the deceased.

Counsel for the applicants submits that there is no eyewitness to the crime nor there is any evidence of last seen together or extra judicial confession. The prosecution case rests on the alleged memorandum statements of accused Harekrishna Nag and Jitendra Nag both sons of Ujjal Nag. He further submits that the applicants are in jail since 21.11.2017 and the trial may take sometime for its final disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the nature of evidence against the present applicants namely Rajeev Bhoi and Satya Nag, without commenting on merits, present is considered to be a fit case to release the applicants on bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants furnishing a personal bond of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned court below for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge