

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5756 of 2018**

1. Kunjami Hunga @ Hunga S/o Joga, aged about 45 years R/o Village-Potali, P.S.- Kuwankonda, District- Dantewada (C.G.).
2. Bijja S/o Deva, aged about 70 years R/o Village- Potali, P.S.- Kuwankonda, District- Dantewada (C.G.).

**--- Applicants**

**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station, Kuwakonda, District- Dantewada (C.G.).

**---- Respondent**

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| For Applicants | : | Mr. Kapil Maini, Advocate            |
| For Respondent | : | Mr. Neeraj K. Sharma, Govt. Advocate |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**06/09/2018**

1. The applicants have preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 42/2005 registered at Police Station- Lalbagh (C.G.) for the offence punishable under Sections 452 and 307/34 of the IPC.
2. As per prosecution story, on 06/10/2005 Kunjami Deva, husband of the injured- Sukdi lodged a FIR stating therein that due to dispute regarding cropping of the land on 05/10/2005, both the applicants assaulted his wife- Sukdi. She sustained some injuries on his body. On the basis of the above report, Offence was registered and after investigation, a charge-sheet was filed. During trial, both the applicants were absconding and they were arrested on 27/02/2018. Since then, they are in custody.

3. Learned counsel appearing on behalf of the applicants submits the FIR was lodged by the Kunjami Deva, husband of the injured- Sukdi, who has not supported the case of the prosecution and has turned hostile. He further submits that injured – Sukdi has already died before recording her statement. Other witnesses namely- Madhwi and Somdi have also not supported the case of the prosecution. The applicants are in custody since 27/02/2018 and the trial will likely to take some time, therefore, the applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that injured- Sukdi has already died and her husband as well as other witnesses have not supported the case of the prosecution, without further commenting on the merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**