

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1285 of 2019**

1. Sagar Sahu S/o Pralahad Sahu, Aged About 20 Years, R/o Near Church And Chhattisgarh Aangan, O.P. Padmnabhpur, P.S. Durg, Tehsil And District- Durg, Chhattisgarh
2. Roshan Sahu S/o Pralahad Sahu, Aged About 19 Years, R/o Near Church And Chhattisgarh Aangan, O.P. Padmnabhpur, P.S. Durg, Tehsil And District- Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District- Magistrate, District- Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Shikhar Bakhtiyar, Advocate
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/04/2019**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 13.02.2018 in connection with Crime No. 18/2018 registered at Police Station - Durg, District Durg (CG) for the offence punishable under Sections 302, 323 & 34 of IPC.

2. The earlier bail application was dismissed by this Court on 17.07.2018 considering the fact that there were certain eye witnesses to be examined who had taken the name of the applicants to have been involved in the commission of the offence.

3. Counsel for the applicants submits that subsequent to the dismissal of

the earlier bail application the material witnesses namely Imran Khan, Nausad Ansari, Faizan and injured eye witness namely Sagar Umre have been examined and all of them have not supported the case of the prosecution and have turned hostile.

4. This submission of the counsel for the applicants is not disputed by the State counsel on verifying the case diary.

5. Given the said facts and circumstances of the case, particularly taking note of the fact that the eye witnesses including the injured eye witness have not supported the case of the prosecution and have turned hostile, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**