

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2031 of 2019

1. Ramlabai, W/o. Madhaw Ram Sahu, Aged About 65 Years,
2. Gitabai, W/o. Fagulal, Aged About 22 Years, R/o. Village Pendri, P.S. Hasoud, District - Janjgir-Champa Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, - Hasoud, Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate

For Respondent/State : Mr. Shubhash Yadav, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/07/2019

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.204/2018, registered at Police Station –Hasoud, District – Janjgir-Champa (C.G.) for the offence punishable under Section 302, 201, 34 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants

are in jail since 03.11.2018. There is no evidence in the prosecution case against these applicants regarding their participation in the commission of offence. If the memorandum statement of the co-accused person is to be believed then at the most, the offence that would be made out against the applicants would be under Section 201 of I.P.C. Therefore, it is prayed that the applicants be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date and time of incident, the deceased Sushil Kumar was having illicit relation with the applicant No.2, when the co-accused persons Prem Lal, Madhaw Prasad and Fagulal arrived on the spot and discovered it, which followed with a quarrel and then the deceased was assaulted by Premlal with iron rod, which resulted in his death. Later on the dead body of the deceased was thrown in the nearby pond. The allegation against these applicants is this that despite having knowledge of commission of offence, they did not inform to the police and kept silent. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering all the material present in the case diary against the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram