

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3589 of 2019**

1. Harichandra Sahu, S/o Late Aman Sahu, Aged About 50 Years R/o Village Birejhar, Police Station Somni, District Rajnandgaon, Chhattisgarh.
2. Pritam Sahu S/o Ballaram Sahu, Aged About 19 Years R/o Birejhar, Police Station Somni, District Rajnandgaon, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Somni, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	: Shri Kapil Maini alongwith Shri Goutam Khetrpal Advocates.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**24/07/2019**

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 133/2018, registered at Police Station – Somni, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 302, 201 & 120-B/34 of the IPC.
2. In this case there are total five accused persons out of which two are juvenile. Name of the deceased is Prem Simon @ Munna Simon, who is the husband of co-accused Angelina Simon. It is alleged that, Applicant No. 01 is the worker of co-accused Angelina Simon whereas Applicant No. 02 is her nephew. On 17.09.2018, dead body of deceased was found on the railway track at Rasmada-Mudapar. He

sustained grievous injuries on vital parts of his body. Merg intimation has been lodged thereafter, post-mortem has also been conducted. As per the prosecution story, deceased was having illicit relationship with one divorced lady, due to which deceased was not keeping good behaviour with his wife i.e. co-accused Angelina Simon and his children. Deceased also used to threatened them due to which his wife Angelina Simon with the help of present Applicants as well as other co-accused persons killed her husband (deceased). On the basis of the said background, offence has been registered. During course of investigation, one door mate from Applicant No. 01 and one shirt and Burmuda (cloth) from Applicant No. 02 have been seized from their possession. Applicants have been arrested on 18.09.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further states that there is no any direct evidence available on record which can establish that present Applicants are involved in crime in question. He also submits that apart from the seizure made from Applicants, there is no other evidence available on record against them. As per the F.S.L. report, no human blood was found on the articles seized from the Applicants. It is further submitted that co-accused Angelina Simon has already been granted bail by this Court vide order dated 02/05/2019 passed in MCRC No. 2206 of 2019. Therefore, it is prayed that Applicants may also 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 18.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge