

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 5334 of 2019**

1. Sanku Beko S/o Sonaru Beko Aged About 25 Years
2. Piluram Beko S/o Late Konda Beko Aged About 34 Years  
(Both are r/o Village Baghmundi Hando Para, Police Station Geedam,  
District Bastar, Chhattisgarh)

**---- Applicants**

***Versus***

- The State Of Chhattisgarh Through The Police Station Kodena, Civil  
And Revenue, District Bastar, Chhattisgarh

**---- Non-applicant**

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| For Applicants          | : | Mr. Punit Ruparel, Advocate. |
| For Non-applicant/State | : | Ms. Akanksha Jain, Dy.G.A.   |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**01-10-2019**

Heard.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 03.03.2018 in connection with Crime No. 45/2018, registered at Police Station–Kodena, District- Bastar, C.G. for offence punishable under Section 302/34 of I.P.C.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case and they are in jail since 03.03.2018. The trial against them has progressed and the important witnesses of search and seizure have been examined who have turned hostile. There is no eye witness in this case and the case of prosecution is based only on circumstantial evidence of recovery of items which belonged to deceased. The postmortem report of the deceased also shows that he has died natural death. Therefore, it is prayed that these applicants be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that these applicants have made confessional memorandum statement that they had beaten the deceased, subsequent to which, he has died. Therefore, no case is made out for grant of bail to this applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the deceased Akhilesh Mishra was found dead on road. After recording of morgue intimation, postmortem was conducted in which it is reported that the cause of his death was shock and cardio pulmonary arrest. During investigation, these applicants were apprehended and at their instance, the articles of deceased i.e. mobile phone etc. were seized from the possession of these applicants.
6. On perusal of the postmortem report, it is found that there is no sign of any external injury found on the body of the deceased as it is reported in the postmortem and further, the cause of death is also taken into consideration. Therefore, after overall consideration, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall 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 Court, for their appearance as and when directed.
8. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge