

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5380 of 2019

- Mayank Alias Lucky (Mayank Mittal) S/o Shri Mohan Mittal Aged About 27 Years R/o Birgehne Chowk, Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Champa, Janjgir-Champa, Chhattisgarh.

---- Respondent

MCRC No. 5535 of 2019

- Purushotam Agarwal S/o Shri Sitaram Agarwal Aged About 52 Years R/o Behind Tulsi Bhawan, Ring Road Janjgir, Police Station Janjgir, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Champa, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants	: Shri Sanjay Agrawal and Shri Ashutosh Trivedi, Advocate.
For Respondent/State	: Shri Akhtar Hussain, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/10/2019

1. Since both the petition arise out of the same Crime No.(184/2019), they are being disposed of by this common order.
2. The applicant has 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. 184/2019, registered at Police Station –

Champa, Janjgir, Champa (C.G.) for the offence punishable under Sections 302, 201 And 34 of IPC.

3. In this case there are total four accused persons and the name of the deceased is Neetu Mittal, who is the aunt of co-accused Sudeep Agrawal. On 14.05.2019, accused Sudeep Agrawal, co-accused, lodged a merged information regarding death of Neetu Mittal stating therein that on 28.03.2019, both the present applicants committed murder of Neetu Mittal and thereafter, with the help of Sudeep Agrawal and other co-accused Chhotu Pathan the dead body of the Neetu Mittal was burned. On the basis of said merged information, FIR has been lodged. Memorandum Statement of Sudeep Agrawal also recorded and, on the basis of said memorandum statement of Sudeep Agrawal, skeleton of the deceased Neetu Mittal was seized on 14.05.2019. During the course of the investigation on 15.05.2019, on the basis of memorandum Statement of present applicants, one Battle Axe was seized from the possession of Purushotam Agrawal and one 'tangi' is seized from the possession of Mayank alias (Mayank Mittal) and they have been arrested on 15.05.2019.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the applicants have no previous antecedent, and also, there is no direct evidence against any of the accused persons. He further submits that there is no eye-witness. They are only implicated in this case on the basis of memorandum statement of co-accused Sudeep Agrawal. Though, some weapons have been seized from the possession of both the applicants but no bloodstain was found on those articles. Charge-sheet has already been filed. They are in custody since 15.05.2019 and trial will take some time. Therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent, they are in custody since 15.05.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/-each, with one solvent 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