

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5933 of 2019**

1. Ranuram Muchaki S/o Manjhi Muchaki Aged About 33 Years, R/o Village Mutanpal Manjhipara P.S. Burgum Tahsil Bastanar, District Bastar, Chhattisgarh.
2. Manaku Muchaki S/o Chalaki Muchaki Aged About 31 Years, R/o Village Mutanpal Manjhipara P.S. Burgum Tahsil Bastanar, District Bastar, Chhattisgarh.
3. Mohan Mandavi S/o Tihali Mandavi Aged About 35 Years, R/o Village Patelpara Burgum P.S. Burgum Tahsil Bastanar, District Bastar, Chhattisgarh.
4. Lachhindar Mandavi S/o Guddi Mandavi Aged About 30 Years, R/o Village Patelpara Burgum P.S. Burgum Tahsil Bastanar, District Bastar, Chhattisgarh.
5. Asanu Mandavi S/o Chamaruram Mandavi Aged About 29 Years, R/o Village Patelpara Burgum P.S. Burgum Tahsil Bastanar, District Bastar, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : The Police Station Kodenar, District Bastar, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pravin Kumar Tulsyan, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 39/2013 registered at Police Station Kodenar, District-Bastar (C.G.) for the offence punishable under Sections 302, 120 (B) and 201/34 of the IPC.
2. The prosecution story, in brief is that, on 03.06.2013 complainant lodged FIR against the unknown persons regarding murder of deceased Jagra Benjam. After six years of the incident supplementary statement has been recorded by the police and thereafter on the basis

of one memorandum, seized one knife and watch of the deceased from the possession of one accused. Based on this offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the present applicants have been arrested only on the basis of memorandum. The applicants are in jail since 14.01.2019 and there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence and the facts and circumstances of the case; detention period of the applicants and further considering the facts that the prosecution has recorded the statement of seizure witnesses under section 161 as well as 164 of Cr.P.C. in which, they have not stated anything about applicant Nos. 1 (Ranuram Muchaki), 2 (Manaku Muchaki) and 3 (Mohan Mandavi), this Court is of the view that the application filed on behalf of applicant Nos. 1, 2 and 3 is allowed.
7. So far as applicant Nos. 4 and 5 are concerned, direct allegations have been made against applicant Nos. 4 and 5 and the weapon of offence has been seized from the possession of applicant Nos. 4 and 5, therefore, this Court is of the view that it is not a fit case to release the applicant Nos. 4 and 5 on bail. Accordingly, the bail application filed on behalf of applicant Nos. 4 and 5 is dismissed.
8. Accused/applicant Nos. 1, 2 and 3 are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one local surety each in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**