

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6100 of 2019**

1. Punitram @ Punau Patel & Anr. S/o - Sukalu Patel Aged About 45 Years R/o - Village Chhandanpur, Police Station Basna, District Mahasamund Chhattisgarh.
2. Baratram Patel S/o - Punitram Patel Aged About 21 Years R/o - Village Chhandanpur, Police Station Basna, District Mahasamund Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Nitesh Shriwas, Adv.
For Respondent/State	: Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/12/2019**

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. 249/2019 registered at Police Station Basna, District Mahasamund (C.G.) for the offence punishable under Sections 302, 201/34 of the IPC.
2. The prosecution story, in brief is that a merg-intimation was lodged by one Gautam Patel alleging therein that on 10.05.2019, at night, his brother left the house and went towards basti and did not come back. Thereafter, they verified the relatives. On 14.05.2019, a dead body was found in the agricultural field of Punitram. After completion of investigation memorandum statement of Punitrm was recorded and thereafter, applicants have been arrested.
3. In respect of applicant No.-1 Punitram @ Punau Patel, learned

counsel for the applicant wants to withdraw the bail application with liberty to file the same at an appropriate stage.

4. Accordingly, bail application in respect of applicant No.-1 Punitram @ Punau Patel is dismissed as withdrawn with the aforesaid liberty.
5. In respect of applicant No. 2 Bharatram Patel, learned counsel submits that he is innocent and has been falsely implicated in the crime in question. He further submits that offence of only Section 201 of IPC is made out against applicant which is bailable offence. He further submits that applicant No. 2 is in jail since 16.05.2019 and he is ready to furnish adequate surety and shall abide all the directions and conditions, which may be imposed by the Court, therefore, applicant No. 2 may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant No. 2 and further considering the fact that applicant No. 2 is son of main accused Punitram @ Punau Patel and no specific allegation has been made against applicant No. 2, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant No. 2 on bail. Accordingly, the application in respect of applicant No. 2 is allowed.
9. Accused/applicant No. 2 is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. Applicant No. 2 is directed to appear before the trial Court on each and every date to be given to him by the said Court.

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