

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6361 of 2019

- Sagar Kumar Sahu S/o Umakant Sahu, Aged About 19 Years R/o Ward No. 5, Khuteri (Rang), Police Station Gunderdehi, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Police Station Gunderdehi, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Ms. Aditi Singhvi, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/10/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 327/2018, registered at Police Station Gunderdehi, District Balod (C.G.) for the offence punishable under Section 302 & 201 R/w Section 120-B of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of seizure witnesses of the case vide order dated 18.06.2019 passed in MCRC No. 3775/2019.
3. In this case, there are total 3 accused persons. As per prosecution story, on 26.12.2018, one burnt dead body was found near the *Pairawat* of one Mangal Das. Later on, the dead body was identified as Jaynendra Kumar Gadhpayle. Allegations against the applicant is that he along with the co-accused persons murdered the deceased Jaynendra Kumar Gadhpayle. During course of investigation, on the basis of memorandum statement of the applicant, one *Tangiya* (small axe) has been seized from his possession in which some blood stains

have been found.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that there is no eye-witness in this case, as per the report of serologist, it is not established that the blood stains found on the *Tangiya* (small axe) belonged to the deceased. The applicant is in custody since 28.12.2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 28.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge