

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6641 of 2019**

1. Gaukaran Sahu And Anr. S/o Dhuniram Sahu Aged About 24 Years R/o Village Chimra, P.S. Kawardha, District Kabirdham Chhattisgarh.
2. Dhanesh Patel S/o Santosh Patel Aged About 22 Years R/o Village Chimra, P.S. Kawardha, District Kabirdham Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Patel, Adv.
For Respondent/State	: Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

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. 269/2019 registered at Police Station Kawardha, Civil & Revenue District Kabirdham (C.G.) for the offence punishable under Sections 302, 201/34 of the IPC.
2. The prosecution story, in brief is that a missing report was lodged by the complainant namely Nansuram against some unknown persons alleging therein that his son namely Sunil Yadav went anywhere without any information. After completion of investigation, dead body of Sunil Yadav was found and offence has been registered against the applicant and they have been arrested.
3. In respect of applicant No.-2, Dhanesh 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 Accordingly, bail application in respect of applicant No.-2 Dhanesh Patel is dismissed as withdrawn with the aforesaid liberty.
5. In respect of applicant No. 1 Gaukaran Sahu, learned counsel submits that he is innocent and has been falsely implicated in the crime in question. He further submits that no direct allegation has been made against the applicant No. 1 and only one mobile phone was seized from the possession of present applicant but from which no connection with the crime in question has been proved. He further submits that applicant is in jail since 09.06.2019 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. 1 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 and further considering the fact that 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. 1 on bail. Accordingly, the application in respect of applicant No. 1 is allowed.
9. Accused/applicant No. 1 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 and he 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