

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9452 of 2018**

- Jagannath Kaushik S/o Late Sahasram Kaushik Aged About 45 Years R/o Village Ranjana ,police Station -Dipka, District Korba, Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Dipka, District Korba, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri Dheerendra Pandey, Advocate. |
| For Respondent/State | : Smt. Smita Ghai, P.L              |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**04/02/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 105/2018, registered at Police Station – Dipka, District - Korba, (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code.
2. As per the prosecution story on 12.06.2018, Kotwar of the Village Ranjana, namely Pawan Das lodged a report wherein it has been stated that due to some land dispute, present Applicant alongwith co-accused Uday Singh Kanwar murdered the deceased Babulal. On the basis of the said, offence has been registered. The incident was witnessed by Brihaspal Patel, Bhagwati Bai & Uma Bai and thereafter their statements were recorded. The Applicant has been arrested on 13.06.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there are total four eye-witnesses namely Pawan

Das, Brihaspal Patel, Bhagwati Bai Gond & Uma Bai Gond who have already been examined before the Trial Court wherein they have not supported the case of the prosecution and have turned hostile. Apart from this, there is no any evidence available on record against the present Applicant. The Applicant is in custody since 13.06.2018 and trial will take time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that none of the four eye-witnesses has supported the case of the prosecution, Applicant is in custody since 13.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- 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**