

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9931 of 2018**

Besahu @ Bhagat @ Besahu Ram Rajwade S/o Sonsai, aged about 41 years
R/o Village Mudesra, Police Station Ambikapur Dehat (Gandhinagar), Ambikapur,
District Surguja (C.G.).

--- Applicant**Versus**

State of Chhattisgarh Through P.S. Gandhinagar, Ambikapur, Distt. Surguja
(C.G.)

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**16/01/2019**

1. The Applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 183/2017 registered at Police Station Gandhinagar, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 302 read with 201 of the IPC.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after 4 months vide order dated 27/06/2018 passed in MCRC No. 3964/2018.
3. As per prosecution story, on 03/06/2017 at about 8 pm, Kotwar of the village got information that near dam Bhutridand in the agricultural field of the Applicant, a dead body was found in sack of jute. The bag was opened and dead body of Deceased Ram Lochan Yadav was found. Offence has been registered against unknown persons. It is alleged

that the Deceased was missing since 27/05/2017. It is alleged that there was illicit relationship between the Applicant and Phoolmati and when the Deceased had raised objection in this regard, he has been murdered by the Applicant and co-accused Phoolmati. The Applicant has been taken into custody on 04/06/2017.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. There is no evidence available on record against the Applicant, on the basis of which any offence under Section 302 read with Section 201 of the IPC can be made out against him. He further submits that there are 35 witnesses in the case and out of which 24 witnesses have already been examined. None of the witness supported the case of the prosecution. All material witnesses have been examined. He further submits that the Applicant is in custody since 04/06/2017 and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application. However, it has been admitted by him that as stated by counsel for the Applicant, 24 witnesses have been examined and they all have not supported the case of the prosecution. He also admitted the fact that all material witnesses have been examined.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that there is no direct evidence against the present Applicant on record and all material witnesses have been examined

and they have not supported the case of the prosecution, further considering that the Applicant is in custody since 04/06/2017 and trial will likely to take some time, without further commenting on merit 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 his executing a personal bond for a sum of Rs. 20,000/- with one 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

Rahul