

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 37 of 2020**

1. Mahadev Markam, S/o Govind Markam, Aged About 57 Years, R/o Village Lamori, Madaipara, Police Station- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.
2. Haraklall Sandilya, S/o Govind Sandilya, Aged About 52 Years, R/o Village Lamori, Madaipara, Police Station- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Arun Kumar Shukla, Adv.
For Respondent/State	: Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.02.2020**

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. 83/2019 registered at Police Station- Basantpur, District- Balrampur-Ramanujganj, (C.G.) for the offence punishable under Sections 302, 201 & 120-B of I.P.C.
2. The prosecution story, in brief is that, it has been alleged that the present applicants conspired the murder of one Jhagarsay and committed murder with the help of towel and fastened his dead body with wooden pole and concealed his dead body in jungle with the help of other co-accused person. On the basis of memorandum, two towels and one wood have been seized from the possession of the applicants. Thereafter, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are

innocent and have been falsely implicated in the crime in question. He further submits that the other co-accused has been granted bail in MCRC No. 6496/2019 vide order dated 06.12.2019. The applicants are in jail since 14.05.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the other co-accused has been granted bail in MCRC No. 6496/2019 vide order dated 06.12.2019. The applicants are in jail since 14.05.2019 and 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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