

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 173 of 2020**

- Luraram Bhagat (Jagat) S/o Katawar Ram Aged About 48 Years Caste - Gond, Occupation - Agriculture, R/o Village Riripara, Gadhpahad, Police Station Lundra, District Sarguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Officer Incharge Of Police Station Lundra, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R. S. Patel along with Mr. Malay Jain, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/03/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 116/2019 registered at Police Station-Lundra, District - Surguja (C.G.) for the offence punishable under Section 302, 34 of the IPC.
2. The brief facts of the prosecution, is that, on 22.09.2019 complainant lodged a merg intimation that, his brother's son Pooran Ram on 22.09.2019 at about 3-4 O'clock was gone for cutting of grass and was not come home. When on 23.09.2019 deceased's elder mother went to search the deceased she found that near about the house his dead body lent in the field. During investigation on the basis of memorandum statement the present applicant and other co-accused have been arrested and offence has been registered against the present applicant and other co-accused persons.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the name of the present applicant is not mentioned in the F.I.R., the present applicant has been arrested only on the basis of memorandum statement and the main allegation is against the other co-accused person. He also submits that the one co-accused has already been granted bail in MCRC No. 8309/2019 so, the present applicant may also be granted benefit of bail. He next submits that the applicant is in jail since 30.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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, detention period of applicant and further considering the facts that the one co-accused has already been granted bail and the present applicant is in jail since 30.09.2019 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant 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. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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