

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 424 of 2020**

1. Lalit Karke S/o Pardeshi Karke Aged About 36 Years R/o Village Jaktakapa, P. S. City Kotwali, Mungeli, District Mungeli Chhattisgarh.
2. Mahendra Karmakar S/o Khorbahra Karmakar Aged About 30 Years R/o Village Jaktakapa, P. S. City Kotwali, Mungeli District Mungeli Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, /district Magistrate, Mungeli, District Mungeli Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anish Tiwari & Mr. Atul Kesharwani, Advocate.
For Respondent	:	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 676/2019 registered at Police Station - City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 302/34 of the IPC.
- The prosecution story in nutshell is that, on 06.11.2019 dead body of the deceased was found near Aagar River, Khairi. Subsequently, FIR has been lodged against unknown person and, after investigation, the present applicants have been arrested.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in

the case. He further submits that there is no eye witness in the present case, the entire case of the prosecution rests upon circumstantial evidence and except last seen memorandum and seizure, no incriminating evidence has been collected by the prosecution against the applicants. He next added that the applicants are in jail since 22.11.2019 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.

- On the other hand, counsel for the State strongly opposes the bail application and submits that a blood stained *Gamchaa* and a *lathi* have been seized from the possession of applicants.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as 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.
- 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 said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge