

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 697 of 2020**

1. Hidma Mandavi & Anr. S/o Joga Aged About 27 Years Resident Of Village Dhurras Patel Para Police Station Kukanar District Sukma, Chhattisgarh.
2. Roopdhar Baghel S/o Late Chadru Baghel Aged About 43 Years Resident Of Village Dhurras Patel Para Police Station Kukanar District Sukma, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through- The Police Station Kukanar, District Sukma, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pravin Kumar Tulsyan, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/03/2020**

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. 9/2016 registered at Police Station-Kukanar, District-Sukma (C.G.) for the offence punishable under Sections 148, 302/149 and 396 of the IPC.
2. The prosecution story, in brief is that, complainant lodged a report that on 16.11.2016 at about 6:30 am, present applicants along with other co-accused persons committed loot of Rs. 20,000/- and one mobile phone from deceased Ghanshyam Baghel and committed murder with the help of sharp weapon. Based on this, offence has been registered against the present applicants and other co-accused persons.
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 all the

independent witnesses of the prosecution have been examined before the trial Court and they did not support the case. He next submits that the applicants are in jail since 05.09.2018, 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, detention period of applicants and further considering the facts that all important witnesses including PW-5, PW-8 and PW-9 have not supported the prosecution case before the trial Court. The applicants are in jail since 05.09.2018 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**