

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1884 of 2020**

1. Shiv Bhole Sahu @ Chhotu S/o Koushal Prasad aged about 20 years, R/o Gatori, Bhatapara, P.S. Koni, District-Bilaspur, Chhattisgarh.
2. Narayan Sahu @ Chhotu S/o Tularam aged about 25 years, R/o Village-Gatori, Inside of NTPC, P.S. Koni, District-Bilaspur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through- Station House Officer, Police Station- Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Umakant Singh Chandel, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/06/2020**

1. The accused/applicants have moved this **second bail** application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 268/2019 registered at Police Station-Koni, District-Bilaspur (C.G.) for the offence punishable under Section 302, 34 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to revive the same after evidence of the material witnesses by this Court on 04.02.2020 in MCRC No. 8186/2019.
3. The prosecution story, in brief is that, in the intervening night of 17-18.09.2019 deceased Praful Loniya was murdered by the accused persons. The dead body of the deceased was found near society building. On interrogation it has come to know that the accused persons and deceased altogether consumed liquor on the night of 17.09.2019 then some altercation took place between them. The accused persons assaulted the deceased by hand, fist and belt. Based on this, offence has been registered against the present applicants.
4. 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 material witnesses have been turned hostile and not supported the case of prosecution. He next submits

that the applicants are in jail since 18.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant them bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 the independent witnesses PW-1, PW-2 and PW-3 have not been supported the prosecution case and the applicants are in jail since 18.09.2019 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 applicants on bail. Accordingly, the application is allowed.
8. 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.
9. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they shall be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge