

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2919 of 2020**

1. Punitram and Anr. S/o Budhram Sori, Aged About 35 Years R/o Darripara, P.S. Mainpur, District Gariyabandh Chhattisgarh.
2. Jaikumar, S/o Budhram Sori, Aged About 27 Years R/o Bhaatadiggi, P.S. Mainpur, District Gariyabandh Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh Through The Police Station Mainpur, Gariyabandh Chhattisgarh. **---- Respondent**

For Applicant/s	:	Shri Anjinesh Shukla, Advocate
For State	:	Smt. Fouzia Mirza, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/08/2020**

1. Heard on application for grant of bail.
2. The applicants have been arrested on 02.04.2019, on the allegation of having committed offence under Sections 34, 201, 302 of Indian Penal Code. They moved this application for grant of bail in connection with Crime No.43/2019 registered at Police Station- Mainpur, District- Gariyabandh (C.G.).
3. Prosecution allegation is that the applicants committed murder of the deceased and thereafter his dead body was burned.
4. Learned counsel for the applicant argues that the entire case of the prosecution is based on so called evidence of last seen and recovery of certain article and identification of dead body. He would argue that as many as 14 witnesses have already been examined by the

2.

prosecution and the evidence led by the prosecution does not make out any case against the applicants because witness of last seen has not supported the prosecution case, the evidence with regard to the identification of the dead body itself is highly doubtful and cannot be relied upon and also in the present case, no other incriminating evidence has been collected by the prosecution, which may lead to inference of applicants' involvement in the case.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that present is a case of commission of grave offence of murder. Trial is still going on. The 15th witness Jai Singh is yet to be examined and according to the statement of the wife of the deceased, her husband/deceased had gone along with Jai Singh and therefore, Jai Singh is an important witness to state regarding meeting of the deceased with the applicants. It is also submitted that there is evidence of the wife of the deceased recorded during trial and whether or not that evidence is liable to be accepted, is a matter of appreciation.

6. Having considered the submission made by learned counsel for the parties, taking into consideration, that one of the important witness namely Jai Singh has not so far been examined, without commenting upon the material on record, at this stage, I am not inclined to grant bail to the applicants, application is therefore rejected with liberty to revive the case at appropriate stage.

Sd/-

(Manindra Mohan Shrivastava)

Judge