

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2185 of 2020

- Sonadhar Baghel & Anr. S/o. Sunher @ Suner Aged About 30 Years R/o Village Dhurras Patel Para Police Station Kukanar District Sukma (Chhattisgarh)
- Somdu Markam @ Java S/o Late Hurra Markam Aged About 30 Years R/o 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	: Shri P.K.Tulsyan, Advocate
For Respondent/State	: Shri Ghanshyam Patel, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/05/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.09/2016 registered at police station Kukanar, District Sukma(CG) for the offence punishable under Sections 302,396,148 and 149 IPC.

Case of the prosecution in brief is that report was lodged by the complainant alleging that on 16.11.2016, the present applicants along with other co-accused persons committed murder of one Ghanshyam Patel by strangulating with *gamchha* and looted Rs. 20,000/- and one

mobile phone.

Counsel for the applicants submits that the applicants have been falsely implicated in the case. He further submits that the eyewitnesses PW-5, 8 and 9 have not supported the prosecution case. He submits that the applicants are in jail since 05.09.2018; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State as well as the objector opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of applicants' furnishing a personal bond in the sum of Rs. 25,000/- with one surety each, for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing 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 will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

suguna