

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2273 of 2020**

Dhansai Verma, S/o- Gairduram Verma, Aged about- 49 years,
R/o- Village- Dhimrin Kuwan, Police Station- Chhuikhadan,
Tahsil- Khairagarh, District- Rajnandgaon (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through: the Station House Officer,
Police Station- Chhuikhadan, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate
For Respondent/State : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

29/06/2020

1. The accused/applicant has moved this Second bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.126/2019, registered at Police Station- Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Sections 323, 506, 302, 201 of IPC.
2. It is the case of the prosecution that the complainant namely Nilamber Verma lodged a report at Police Station- chhuikhadan, District- Rajnandgaon (C.G.) to alleged that the deceased namely Duvasu Verma was residing at village- Amlidihkala, and on the date of incident i.e. 22.04.2019, the deceased was going to the Khairagarh for taking the copy of order passed by the Tahsildar in the disputed land which was between the applicant and the Tahsildar in the disputed

land which was between the applicant and the deceased. In a report the complainant submits that on 23.04.2019 at about 6.00 p.m. the dead body of the deceased found in the nahar nail Mahua chowk. After found of the dead body, the merg was lodged by the complainant the police station- Chhuikhadan. After investigation Police registered F.I.R. against the unknown person and the applicant arrested in connection with this case.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the seizure and memorandum witnesses namely Rajesh Shivare (PW-5) and Rajjoram Verma (PW-6) have not supported the prosecution case before the trial Court and turned hostile, therefore, on this ground the present applicant deserves to 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 record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the seizure & memorandum witnesses have not supported the case of the prosecution before the trial Court and the applicant is in jail since 11.05.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on

merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the disposal of the trial.
9. It is made clear that if the applicant has 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 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge