

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3330 of 2020**

- Yashwant Pali S/o Ramesh Pali, aged about 21 years.
- Komal @ Chhotu Pali S/o Dilip Pali, aged about 19 years.
- Hemant @ Heman (wrongly mentioned as Hemant in the order sheet) Pali, S/o Ganesh Pali, aged about 19 years.

All are R/o village Bidaura, Police Station and Tahsil S. Lohara, District Kabirdham (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Sahaspur Lohara, District Kabirdham (C.G.)

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Adv.
For Respondent	:	Shri Raghavendra Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/07/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.198/2019, registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 363, 302, 120-B, 201, 34 IPC.
2. The prosecution story, in brief, is that on 26.12.2019 at 10.40 PM, the complainant lodged a report in police station S. Lohara alleging therein that on the very day at 5.30 PM, his son Donish Kumar aged 9 years had gone to play badminton and did not come back. They searched him nearby but all the efforts went in vain. During investigation, the applicants were taken into custody, they were interrogated in which it was revealed that they had kidnapped the deceased for money and when he identified them and started shouting, they killed him. Based on this, offence has been registered.

The present applicants have been taken into custody on 31.01.2020.

3. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the case. He further submits that body of deceased was not recovered by the investigation agency but some bones were collected and as per the FSL report, the bones were found to be of animal. He also submits that except memorandum and seizure there is no other evidence to connect the applicant with the crime in question. It is next submitted that the applicants are in custody since 31.01.2020, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicants are in custody since 31.01.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge