

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3720 of 2020

1. Deepak Jogi (Dewar) S/O Shri Jairam Jogi (Dewar) (Wrongly mentioned as Dewaranik in the rejection order of the court below), aged about 19 years, R/o Bajrang Nagar, Beergaon Near Verma Hotel, Police Station Urla District Raipur (CG)
2. Yuraj Sahu @ Chhotu S/o Shri Shivcharan Sahu, aged about 21 years, R/o Santosh Nagar, Beergaon, Near Toppers School, Police Station Urla, District Raipur (CG)

3. ---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Urla District Raipur (CG)

---- Respondent

 For Applicants : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20.07.2020

1. Heard.
2. Admit.
3. At the very outset, learned counsel for the applicant submits that he wants to withdraw the bail application filed on behalf of applicant No.1- Deepak Jogi (Dewar) with liberty to renew the same after examination of the seizure witnesses.
4. Accordingly, the bail application filed on behalf of applicant No.1- Deepak Jogi (Dewar) is dismissed as withdrawn with the aforesaid liberty granted in his favour.
5. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to applicant No.2- Yuraj Sahu @ Chhotu, who has been arrested in connection with Crime No.

566/2019, registered at Police Station, Urla, District Raipur (CG) for the offence punishable under Sections 302, 201, 120(B)/ 34 of the IPC and Sections 25 and 27 of the Arms Act.

6. As per the case of prosecution, on 10.12.2019 at about 10.00 pm, dead body of one person was lying in the pond at village Beergaon and it was identified as of one Rupendra Dewangan by the complainant, who is brother of the deceased. It is alleged that on outraging the modesty of sister of applicant No.1, on 9.12.2019 some altercation took place and the applicants assaulted the deceased with iron rods and knife and threw the dead body of the deceased in the pond. On investigation, memorandum of the accused were recorded and they were taken into custody.
7. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that there is no eye witness to the incident and the applicant has been arrested only on the basis of his memorandum before the police and nothing incriminating has been seized from him except clothes. He submits that the applicant is in jail since 11.12.2019 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant is involved in committing death of the deceased.
9. Perused the entire material available on record.

10. Considering the facts and circumstances of the case, in particular the nature and gravity of offence and further considering the fact that nothing adverse is against the applicant except his memorandum and seizure of clothes and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
11. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
12. It is directed that applicant No.2-Yuraj Sahu @ Chhotu shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one 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.
13. Certified copy as per rules.

Sd/-

(Rajani Dubey)
JUDGE