

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4356 of 2020**

1. Yogesh Mandle S/o Balaram Mandle (wrongly mentioned Balrampur Mandle in order sheet) Aged About 24 Years R/o Gram Amne, P.S. Kota, District Bilaspur Chhattisgarh.
2. Balaram Mandle S/o Sahasram Mandle Aged About 46 Years R/o Gram Amne, P.S. Kota, District Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. R.K. Gupta, Advocate.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

06.08.2020

1. Heard on admission.
2. The applicants have filed this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 8230/2019 registered at Police Station : Sarkanda, Civil and Revenue District Bilaspur (C.G.) for the offence punishable under Sections 120-B, 364, 328, 302, 201 of the IPC.
3. First bail application of the applicants was dismissed as withdrawn by this Court on 04.02.2020 passed in MCRC No. 8230/2019 and a direction was given to the trial Court to expedite the trial and conclude the same within a period of three months.
4. As per prosecution case, the allegation against the present

applicants is that after hatching a conspiracy they committed murder of the deceased Tarun Ratde and concealed his dead body. After completion of investigation, offence has been registered against the applicants and they have been arrested.

5. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that though a direction was given to the trial Court to conclude the trial within a period of three months but due to widespread pandemic disease COVID-19, the trial has not been concluded yet, therefore, the applicants may be granted bail by this Hon'ble Court. He next added in his submission that the applicants have been arrested only on the basis of suspicion and memorandum statement of the co-accused because there were only two names mentioned in the concerned FIR while the name of the applicant No. 1 Yogesh Chandra was not mentioned which creates a serious doubt. He next contended that the applicants are in jail since 03.01.2019 and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, they may be released on bail.
6. On the other hand, State counsel strongly opposes the bail application and submits that the evidence on record clearly established the fact that it is the applicants who have committed the offence.
7. Heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the

case, nature and gravity of the case, at this stage, I am not inclined to release the applicants on bail.

9. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected at motion stage itself.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu