

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4345 of 2020**

1. Dindayal Sahu S/o Shri Ananda Sahu aged about 35 years, R/o Bazar Para Khallari, P.S.-Khallari, District-Mahasamund, Chhattisgarh.
2. Panchram Sahu S/o Shri Sukhram Sahu aged about 45 years, R/o Village-M.K, Bahara, P.S.- Khallari, Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through – Station House Officer, P.S.- Khallari, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sachin Singh Rajput, Adv. Along with Mr. Sharad Mishra, Adv.
For Respondent/State	:	Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/08/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 203/2019 registered at Police Station-Khallari, District-Mahasamund (C.G.) for the offence punishable under Sections 302, 34 of the IPC.
2. The prosecution story in brief is that, complainant Ananda Sahu lodged a report that he has found a dead body of Mohan Dhruv near Khapra Dongri, P.S. Khallari who died due to head injury. During investigation statements under Section 161 of CrPC of the witnesses were recorded by the Police and on the basis of statement of Sajid Khan and Vishnu Sinha, both the applicants were arrested in connection with murder of deceased Mohan Dhruv. Based on this, offence has been

registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that there is no independent material on record to prove the involvement of the present applicants in the case registered against them and the postmortem report of the deceased has not supported the prosecution case, there is no definite opinion of the cause of death of the deceased. He next submits that the applicants are in jail since 22.11.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant them bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that postmortem report of the deceased has not supported the prosecution case, applicants are in jail since 22.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-

**(Rajani Dubey)
Judge**