

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4332 of 2020**

- Premlal Sahu, S/o Madhaw Ram Sahu, Aged about 31 years, R/o Village Pendri, PS Hasaud, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS-Hasaud, District Janjgir-Champa (C.G.)

---- Respondent**with****MCRC No. 4367 of 2020**

- Fagu Lal, S/o Mahadev Ram Sahu, Aged about 26 years, R/o Village Pendri, PS Hasaud, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS-Hasaud, District Janjgir-Champa (C.G.)

---- Respondent

For Applicants	:	Mr. Ishwar Jaiswal, Advocate.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/09/2020**

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. 204/2018 registered at Police Station- Hasaud, District Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, on 27.10.2018, the deceased Sushil came to house from Raipur and in the evening the other family members went to her Nawdha Ramayan and only Gitabai and Sushil are at home and when the family members came than they saw that Gitabai and Sushil are in

compromise situation on account of which the accused Fagu Lal and Sushil started fighting with each other and the Fagu Lal blow the head of the deceased by means of iron rod and he died and thereafter the applicants kept the dead body for one night and next day at night they put the dead body in a pond and thereby committed the offence, thereafter, the memorandum has been recorded and FIR has been registered and both the applicants have been arrested by the police.

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 both the applicants have been arrested only on the basis of suspicious and there is nothing on record nor their name is in memorandum recorded by the police during investigation nor there is any evidence which shows that the applicants are having involvement in the said crime. Memorandum statement of the accused has not been supported with the prosecution case. He also submits that on 08.07.2019 co-accused persons namely Ramlabai and Gitabai have already been granted bail by this Court in MCRC No. 2031/2019. He next submits that the both applicants are in jail since 03.11.2018, 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 applications and submits that the allegation against the applicants is of serious in nature; therefore, no case is made out for grant of 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 that the applicants are in jail since 03.11.2018, 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 both applicants on bail. Accordingly, the applications are 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.

Certified copy, as per rules.

**Sd/-
(Rajani Dubey)
Judge**

Vasant