

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4550 of 2020**

1. Virendra Bhagat S/o Ramprasad Ram, aged about 29 years, R/o village Jilling, Tehsil & District Jashpur (C.G.)
2. Santosh Bhagat S/o Kailash Bhagat, aged about 25 years, R/o village Jilling, Tehsil and District Jashpur (C.G.)

---- Petitioners**Versus**

- State Of Chhattisgarh Through : S.H.O., Police Station Jashpur, Tehsil & District Jashpur (C.G.).

---- Respondent

For Applicants	:	Shri Anshul Tiwari, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

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

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.175/2019, registered at Police Station – Jashpur, Tehsil and District Jashpur (C.G.) for the offence punishable under Sections 302, 201, 34 IPC and Sections 4 & 5 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. The prosecution story, in brief, is that on 06.06.2019, complainant namely Jagir Ram lodged a missing report of his mother. He searched his mother nearby but all the efforts went in vain. During investigation, co-accused Anil Bhagat was interrogated, his memorandum statement was recorded in which it was revealed that they hatched the criminal conspiracy and committed murder of the deceased. Based on this, the offence has been registered. The present applicants have been taken into custody on 14.06.2019.

3. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the main allegation is against co-accused Anil Bhagat. The present applicants are in custody since 14.06.2019, trial has been initiated and 10 witnesses have already been examined. He also submits that memorandum and seizure witnesses have turned hostile and nothing incriminating has been seized from the present applicants. Except memorandum of co-accused Anil Bhagat, there is nothing on record to connect the applicants in crime in question. It is next submitted that the applicants are in custody since 14.06.2019, 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 record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the preset applicants are in custody since 14.06.2019, 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge