

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4622 of 2020**

1. Santosh Khakha, S/o Noharsai, aged about 33 Years Caste - Uraon,
2. Krishna Prasad Khakha, S/o Noharsai, aged about 46 Years Caste - Uraon, Occupation - Assistant Teacher (L.B.),

Both are R/o Village Babauli, Police Station Dhaurpur, District - Surguja, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through Police Station - Dhaurpur, District - Surguja, Chhattisgarh.

---- Respondent

For Applicants
For Respondent/State

Mr. Rakesh Pandey, Advocate.
Ms. Sunita Jain, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****30/09/2020**

1. The application is heard through Video Conferencing.
2. The applicants have filed this application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in Crime No.79/2019 registered at police station Dhaurpur, District Surguja, C.G. for the offence punishable under Section 302 read with 34 of Indian Penal Code.
3. Allegation against the present applicants is that they in association with co-accused Noharsai committed murder of Aghni

Bai on 28.12.2019 by assaulting her with club and sticks.

4. At the outset, learned counsel for the applicants submits that he does not want to press the instant application in respect of applicant No.2 i.e. Krishna Prasad Khakha and seeks to withdraw the same so far as it relates to applicant No.2. Accordingly, the present application is dismissed as withdrawn in respect of applicant No.2.
5. Learned counsel for the applicants submits that applicant No.1 i.e. Santosh Khakha is an innocent person and has been falsely implicated in this case. As per the prosecution case itself, applicant No.1 did not assault the deceased in any manner and he only helped the main accused Krishna in lifting the dead body and throwing it in the agricultural field. He submits that nothing incriminating has been seized at the instance of the applicant No.1. Lastly, he submits that similarly situated co-accused Noharsai has already been granted regular bail by Co-ordinate Bench of this Court vide order dated 31.08.2020 passed in MCRC No.3692 of 2020 and, therefore, applicant No.1 be also granted bail on the ground of parity.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Having heard learned counsel for the parties, having regard to the role attributed to applicant No.1 by the prosecution in commission of the offence, in particular the fact that similarly

situated co-accused Noharsai has already been released on bail by this Court, this Court is of the opinion that present is fit case for grant of bail to applicant No.1 Santosh Khakha. Accordingly, the bail application in respect of applicant No.1 is allowed. It is directed that the applicant No.1 shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

(i) The applicant No.1 shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant No.1 shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
Gautam Chourdiya
Judge

Akhilesh