

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4729 of 2020**

- Rameshwar Sahu @ Bheem Sahu, S/o Sumiran Sahu, Aged about 22 years, R/o Tiwari Deepa Sonthi, Thana Bamhnidih, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – District Magistrate- Janjgir, PS Bamhnidih, District Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pandey, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 41/2019 registered at Police Station- Bamhnidih, Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, the present applicant and other co-accused person committed murder of the deceased thereafter Police Station Bamhnidih investigated the matter and lodged the FIR against the present applicant and other co-accused person.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the memorandum seizure witnesses PW-4 (Savitri Bai) and PW-5 (Dojram Patel) have not supported case of the prosecution before the trial Court. He next submits that except memorandum nothing incriminating against the applicant. He also submits that the applicant is in jail since

11.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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 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 applicant and further considering that the applicant is in jail since 11.08.2019, 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 present applicant on bail. Accordingly, the bail application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

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

Vasant