

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5227 of 2020**

- Suraj Kumar Bhawani S/o Shri Kaushal Kumar aged about 19 years, R/o Village Kisan Parsada, Police Station-Masturi, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent**MCRC No. 5286 of 2020**

- Manish Kumar Patel S/o Shri Prahlad Patel aged about 21 years, R/o Village Kisan Parsada, Police Station-Masturi, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Rishi Rahul Soni, Adv. in both MCRCs.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/09/2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 58/2020 registered at Police Station Masturi, District-Bilaspur (C.G.) for the offence punishable under Sections 302 and 201 read with section 34 of the IPC.
3. The prosecution story, in brief is that, allegedly deceased

Devprasad Suryavanshi has been murdered by the accused/applicants namely Manish kumar Patel and Suraj Kumar Bhawani. Based on this offence has been registered against the present accused/applicants.

4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and there is no material on the hand of the prosecution to connect the applicants with the said crime. He also submits that the applicants are in jail since 08.02.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail applications and submits that the offence committed by the applicants is serious, in nature; and there is a seizure of clothes from the applicants, which has been sent for FSL report, therefore, the present applicant may not be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 except seizure of clothes nothing incriminating against the applicants and the applicants are in jail since 08.02.2020, 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 applications are allowed.
8. 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**