

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5299 of 2020**

1. Ramman Das Kosle, S/o Bhaudas, Aged About 55 Years,
2. Prema Bai Kosle, W/o Ramman Das Kosle, Aged About 50 Years,
Both are R/o Village- Bandaure, Police Station- Sahaspur Lohara
(wrongly mentioned as Lohara in the order sheet), Tahsil
Kawardha, District- Kabirdham (C.G.).
3. Laxman Satnami, S/o Bhagirati, Aged About 36 Years, R/o Village-
Kharhi, Tahsil & District Bemetara (C.G.).

---- Applicants**Versus**

- State of Chhattisgarh, Through: District Magistrate, Kabirdham
Chhattisgarh.

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	: Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

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. 35/2019 registered at Police Station -Singhanpuri Jungle, District- Kabirdham (C.G.) for the offence punishable under Sections 302, 120-B, 201, 34 of IPC.
2. The prosecution story, in brief is that, on 05.08.2014, Sarpanch of village Panchayat Kurwa (Khaira) lodged a merger intimation stating that a person aged about 40 years was lying dead. On investigation, co-accused Dhanesh Patel has been arrested and on the basis of memorandum given by him, it was disclosed that the present applicants made conspiracy against the deceased. Thereafter, offence has been registered against the present

applicants and they have been taken into custody.

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 neither memorandum statement of the present applicants were recorded nor any article has been seized from the possession of the present applicants. He next submits that the applicants are in jail since 30.06.2020, 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 application and the submission made in this respect. It is submitted that the offence committed by the present 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 record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicants are in jail since 30.06.2020 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 application is 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.

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