

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6479 of 2020

1. Baldev Sunani And Anr. S/o Tikekshwar Sunani, Aged About 47 Years Resident Of Village-Lachchipur, Police Station-Dharamgarh, District - Kalahandi (Odisha).
2. Bhagat Sunani S/o Baldev Sunani, Aged About 28 Years Resident Of Village-Lachchipur, Police Station-Dharamgarh, District - Kalahandi (Odisha) (Real Name Is Bhagat Ram Sunani, But The Word Ram Is Missed In The Impugned Order), District : Kalahandi, Orissa ---

Petitioners

Versus

State of Chhattisgarh Through Police Station - Devbhog District-
Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh ---

Respondent

For the applicant	:	Mr. Raza Ali, Advocate
For the State	:	Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.03/2020 registered at Police Station Devbhog, District Gariyaband (C.G) for the offences punishable u/ss 302, 34 of IPC.
2. As per the prosecution case, on 10.01.2020, the applicants followed the deceased Tarpa Sunani, thereafter assaulted him and strangled. Subsequently he was taken to the border of Chhattisgarh and his head was smashed with stone. The motive behind the murder was because of the property dispute.
3. Learned counsel for the applicants would submit that no direct evidence or circumstantial evidence is available in this

case nor the story of last seen together is available and only on the basis of blood stains which were alleged to have been found on the clothes of the applicants, they have been arrested.

4. On the other hand, learned State Counsel opposes the bail application.
5. On earlier occasion, the learned State Counsel was directed to call for the FSL report. Learned State counsel would submit that the FSL report has been received, and it cannot confirm that the stains found on clothes were of human blood as it was disintegrated.
6. Considering the nature of evidence available against the applicants and the recent FSL report which has been produced by the State, without making any further observations on merits, I am inclined to allow the bail application.
7. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE