

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7454 of 2020

1. Karuram Netam S/o Gijaru Ram Netam Aged About 50 Years R/o Futanchandgaon, P.S.- Benoor, District- Narayanpur, Chhattisgarh
2. Somaru Ram Netam S/o Budhram Netam Aged About 33 Years R/o Futanchandgaon, P.S.- Benoor, District- Narayanpur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station- Benoor, District- Narayanpur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Shobhit Koshta, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/12/2020

Heard.

1. The applicants have been arrested in connection with Crime No.39 of 2019 registered at Police Station-Benoor, District Narayanpur (CG) for the alleged commission of offence under Section 302 read with Section 34 of IPC.
2. Case of the prosecution is that the applicants committed murder of one Pankuram.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated. The prosecution though came out with the case that the applicants were involved in murder of Pankuram, all important witnesses including Dhanay and Singhay Netam who were brought by the prosecution as eyewitnesses have not supported the prosecution case. Except these two witnesses, no other witness is proposed to be examined by the prosecution as eyewitness of the incident, therefore, it is argued that now it is a case of no evidence against the present applicant as the two eyewitnesses have turned completely hostile and not supported the prosecution case. The applicants are in jail since 18.10.2019 therefore, at this stage, they may be

granted bail.

4. On the other hand, learned State counsel opposes and submits that the applicants are being tried for commission of serious offence and many other witnesses are yet to be examined. Upon enquired from the State counsel as to whether there any other witness proposed to be examined as eyewitness. Learned State counsel would fairly submit that the prosecution had brought only two witnesses namely Dhanay and Singhay Netam as eyewitness.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicants that both Dhanay and Singhay Netam have been examined during trial and they have turned completely hostile as not supported the case of the prosecution, it is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them 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 applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge