

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6475 of 2019**

- Jairam Kujur, S/o Buhan Kujur, Aged About 45 Years, R/o Batuabuda Bakirama, Police Station- Gandhinagar, District- Sarguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Police Station - Gandhinagar, District - Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahil Arun Kochar, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2020**

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. 311/2017 registered at Police Station- Gandhinagar, District - Sarguja (C.G.) for the offence punishable under Sections 302, 201 of I.P.C.
2. The prosecution story, in brief is that, on 08.09.2017, a missing report has been lodged by the wife of the deceased Budhu Ram. It is alleged that on 11.09.2019, dead body of Budhram was found in pond situated at holycross farm house Parisar. Thereafter, offence has been registered against the present applicant.
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 prosecution witnesses PW-1 (Martin Tirki), PW-2 (Sandeep Kishbotta), PW-5 (Santu Lakda) has not supported the prosecution case and turned hostile. The applicant is in jail since 12.09.2017, 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.
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, and further considering detention period of the applicant and the facts that prosecution witnesses PW-1 (Martin Tirki), PW-2 (Sandeep Kishbotta), PW-5 (Santu Lakda) has not supported the prosecution case and turned hostile. The applicant is in jail since 12.09.2017 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 applicant on bail. Accordingly, the 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.

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