

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7480 of 2019**

- Manish Sahu son of Bhagwat Sahu, aged about 22 years, R/o village Daganiya, Police Station Dhamdha, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Dhamdha, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri N.S. Dhurandhar, Adv.
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.37/2019, registered at Police Station - Dhamdha, District Durg (C.G.) for the offence punishable under Sections 302/34 and 201/34 IPC.
2. The allegation against the present applicant is that he along with other accused persons namely Hemchand, Tikaram and Shiv Kumar Committed murder of deceased Menka Sahu. Further allegation is that co-accused Hemchand assaulted the deceased by club and, thereafter, with the help of present applicant and two other co-accused persons, the dead body was taken to an isolated place and after pouring petrol, set her body on fire to hide the evidence and threw her body in forest. Based on this, offence has been registered. The present applicant has been taken into custody on 22.02.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the main accused is Hemchand and only on the basis of memorandum the present applicant has been implicated in the crime in question. He also submits that on 15.11.2019 co-accused Tika Ram Sahu has already been granted bail by this Court in MCRC No.6053/2019. It is next submitted that the applicant is in custody since 22.02.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. He submits that the seizure witness has specifically stated that the present applicant brought petrol and at his instance, the jerrycan was seized from his possession.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that co-accused person has already been granted bail by this Court, the applicant is in custody since 22.02.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge