

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7478 of 2019**

- Neelsagar Gond S/o Janakram Gond Aged About 20 Years, R/o Village Khamharidih (Rajpalpur) Chowki Bhanwarpur, Tahsil Basna, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh.
- Janakram Gond S/o Sagnu Gond Aged About 57 Years, R/o Village Khamharidih (Rajpalpur) Chowki Bhanwarpur, Tahsil Basna, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sunil Verma, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

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

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. 33/2019 registered at Police Station Basna, Civil and Revenue District-Mahasamund (C.G.) for the offence punishable under Section 302/34 of the IPC.
2. The prosecution story, in brief is that, the present applicants have committed murder of Laxmi Prasad and crime to show the death in natural stated that the deceased himself committed suicide by knot his neck by rope, on contrarily the Munni Bai Kondh wife of deceased and Nand Lal Kondh nephew of deceased made allegation against the present

applicants that they have committed murder of deceased Laxmi Prasad by tied knot his neck, the PM report also show the death in homicide natural. Present applicants have been taken into custody on 19.01.2019.

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 the present case is not based upon eye witnesses further two circumstances witnesses firstly Munni Bai and secondly Nandulal are examined before the trial Court. He also submits that the postmortem report shown the death is homicide in natural, but no evidence against the applicants. The applicants are in jail since 19.01.2019, there is no likelihood of their case being decided in near future, therefore, the present appellants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the witnesses available on record are shows the involvement of the present applicants in the instant case and it is a heinous crime. So, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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