

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7116 of 2019**

- Birbal Singh @ Gondpana S/o Jagarsay, aged about 40 years, Caste Panika, R/o Village-Gorakhnathpur, Police Station-Bishrampur, Tahsil & District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : SHO. The Police Station, Surajpur, District Surajpur, Chhattisgarh.

---- Respondent**MCRC No. 7530 of 2019**

1. Fekuram Panika S/o Late Jagarsai, aged about 44 years, R/o Village chandarpur (Dhundhara), Police Station, Tahsil and District-Surajpur, Chhattisgarh.
2. Birbal Singh @ Gondpana S/o Late Jagarsai, aged about 40 years, R/o Village Gorakhnathpur, Police Station Vishrampur, Tahsil and District-Surajpur, Chhattisgarh. Presently residing at Chandarpur (Dhundhara), Police Station, Tahsil and District-Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police of Police Station Surajpur, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Gyan Prakash Shukla, Adv. in MCRC No. 7116/2019.
	:	Mr. Anil Gulati, Adv. in MCRC No. 7530/2019.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/01/2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

2. Earlier vide order dated 20.11.2019 bail application filed on behalf of applicant No. 2 Birbal Singh @ Gondpana in MCRC No. 7530/2019 was withdrawn by the counsel for applicants as bail application filed on behalf of applicant No. 2 Birbal Singh @ Gondpana was already pending before this Court vide MCRC No. 7530/2019.
3. 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. 80/2019 registered at Police Station Surajpur, District-Surajpur (C.G.) against applicants for the offence punishable under Section 302 read with 34 of the IPC.
4. The prosecution story, in brief is that, on 31.05.2016 the father of the deceased has given intimation to the police station Surajpur that on 30.05.2016 around 07:30 pm. the deceased has left his house on his scooty with the co-accused Fekuram Panika and not returned to his home. Thereafter, next day on 31.05.2016 about 7:00 am. Birbal Singh came and informed to the father of the deceased that his son Dharmendra (deceased) is no more alive and his body is laying near his house. Moreover, after the investigation it was found that the accused persons and the deceased have drunk alcohol together. After that the visra report has been submitted in which it has been found the elements of Ethyl Alcohol & poisoning with Monpcrotophos. Based on this offence has been registered against the present applicants.
5. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. They further submit that the applicants are in jail since 16.05.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.

7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the applicants are in jail since 16.05.2019, 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 applicants on bail. Accordingly, the applications are allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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