

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7267 of 2019**

- Madhaw Ram Sahu S/o Butku Ram Sahu, aged about 64 years, R/o village - Pendri, P.S. Hasoud, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer - Hasoud, Janjgir Champa (C.G.)

---- Respondent

For Applicant	:	Shri Ishwar Jaiswal, Adv.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****08/01/2020**

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.204/2018, registered at Police Station - Hasoud, District Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 201, 34 IPC.
2. The allegation against the present applicant and co-accused persons is that they committed murder of deceased Sushil Sahu on account of illicit relation with Gitabai, and with a view to conceal the evidence of crime, they kept the body of deceased in the house and on the next day they threw the dead body in the pond. Based on this, offence has been registered. The present applicant has been taken into custody on 03.11.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that it is the Premlal Sahu who played active

role in the commission of crime. He also submits that on 08.07.2019 co-accused persons namely Ramlabai and Gitabai have already been granted bail by this Court in MCRC No.2031/2019. It is also submitted that there is no eye-witness to the incident. It is next submitted that the applicant is in custody since 03.11.2018, 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.
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 persons have already been granted bail by this Court, the applicant is in custody since 03.11.2018, 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