

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7820 of 2019**

1. Sukhsen Choudhari S/o Late Raju Choudhari Aged About 60 Years R/o Darripara, Police Station Passan, District Korba, Chhattisgarh.
2. Smt. Jamuna Bai W/o Late Babulal Aged About 70 Years R/o Darripara, Police Station Passan, District Korba, Chhattisgarh.
3. Smt. Fulmati Choudhari W/o Late Anil Choudhari Aged About 23 Years R/o Darripara, Police Station Passan, District Korba, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Passan, District Korba, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Aditya Khare, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/02/2020**

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. 51/2019 registered at Police Station-Passan, District-Korba (C.G.) for the offence punishable under Sections 302, 201, 147, 148 and 149 of the IPC.
2. The prosecution story, in brief is that, on 24.03.2019 between 8-9 pm., when the applicants were in their house, at that time in intoxicated condition, deceased Anil Choudhari entered into house of applicants and tried to commit rape with minor, which was objected by victim as well as present applicants, but the deceased used to assault with the applicants as well as co-accused Rajkumar, the co-accused Rajkumar assaulted with axe to the deceased due to which, Anil Choudhari died. It

is further alleged that the present applicants have buried the dead body below the mango tree and washed the blood stain with intention to disappear the evidence. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that charge-sheet has been filed, the main allegation is against co-accused Rajkumar and except memorandum statement of the co-accused no incriminating evidence against the present applicants. He also submits that the applicants are in jail since 15.06.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants 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, detention period of applicants and further considering the facts that the main allegation is against the co-accused person and except memorandum statement of co-accused nothing adverse against the present applicants. The applicants are in jail since 15.06.2019 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 application is allowed.
7. 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**