

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8370 of 2019**

- Shiv Kumar, S/o Heeru Ram Sahu, Aged About 32 Years, R/o Dokra Bhata, Police Station- Chuikhadan, District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: District Magistrate, District- Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 37/2019 registered at Police Station- Dhamdha District- Durg, (C.G.) for the offence punishable under Section 302, 201, 34 of IPC.
2. The prosecution story, in brief is that, on 24.12.2018 a dead body of one woman was found near Salhewara forest and mean while a missing report was also registered on 20.02.2019 by the police station Dhamdha and during investigation it is found that the dead body of the woman was one Menka Sahu and during investigation it is found that the present applicant and other co-accused have killed the deceased and tried to dispose of the dead body and only on the basis of memorandum of the accused person they have been implicated in the case. Hence, this petition.
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 other co-accused persons have been

granted bail in MCRC Nos. 6053/2019 and 7480/2019. The applicant is in jail since 22.02.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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, and further considering the facts that other co-accused persons have been granted bail in MCRC Nos. 6053/2019 and 7480/2019. The applicant is in jail since 22.02.2019 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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