

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8384 of 2019**

- Surendra Markam S/o Shyam Lal Markam Aged About 29 Years R/o Thodhahjariya, Police Station- Khallari, Tahsil- Nagri, District- Dhamtari, Chhattisgarh.

--- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Khallari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Sanjay Kumar Agrawal, Advocate.
For Respondent/State	:	Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 03/2019 registered at Police Station - khallari, District Dhamtari (C.G.) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, the allegation against the present applicant is that in the intervening night of 01-02.07.2019, the present applicant killed the deceased, who was sleeping in her house, with the help of knife. Based on that, after investigation, the offence has been registered and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that 14 witnesses have been examined before the trial Court and out of them 11 witnesses have not

supported the prosecution case. The present applicant is cousin of the deceased and he has been arrested only on the basis of suspicion. The applicant is in jail since 15.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application submitting that a blood-stained knife has been seized from the applicant, therefore, he may not be granted bail.
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, as applicant is in jail since 15.07.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu