

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 480 of 2021**

1. Smt. Bhuneshwari Patel, W/o Lekhram Patel, aged about 28 Years,
2. Suresh Patel, S/o Bhuvanlal Patel, aged about 30 Years,
3. Umesh Patel, S/o Bhuvanlal Patel, aged about 32 Years,

All are R/o Village Khuteri, Police Station - Khallari, Tahsil and District Mahasamund (Chhattisgarh).

---Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Khallari, District Mahasamund (Chhattisgarh).

----Non-applicant

For Applicants	Mr. Raghvendra Pradhan, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.
For Objector	Mr. Siddharth Rathod, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

07/04/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 04.12.2020 in connection with Crime No. 229/2020 registered at Police Station Khallari, District Mahasamund, C.G. for the offence under Sections 302, 201, 120-B/34 of Indian Penal Code.

- 3) Allegation against the present applicants is that they committed murder of deceased- Yogesh Kumar Sen and thereafter threw the dead body of the deceased into the well with an intention to conceal the evidence of the offence.
- 4) Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the essential ingredients for attracting the alleged offence are missing in this case. The applicants are in jail since 04.12.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
- 5) On the other hand, learned counsel for the State as well as the Objector oppose the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegations made against the applicants, further considering the fact that the assault was made by Lekhram Patel- husband of the applicant No.1 Smt. Bhuneshwari Patel on the deceased and only the dead body of the deceased was thrown by all the present applicants, the memorandum statements of Lekhram Patel and Umesh Patel, the detention period of the applicants, who are 28, 30 & 32 years of age respectively, charge sheet has already been filed, the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants

tampering with the evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge