

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2248 of 2021

1. Milsingh, S/o. Late Bhagwan Singh Bariha, Aged About 33 Years, R/o. Patiyapali, Op- Sonakhan, P.S.- Kasdol, (Wrongly Mention as Op- Kasdol in Order Sheet), Baloda- Bazar, District Baloda-Bazar-Bhatapara, Chhattisgarh.
2. Udhav Kevat, S/o. Karmu Kevat, Aged About 45 Years, R/o. Patiyapali, Op- Sonakhan, P.S.- Kasdol, (Wrongly Mention as Op- Kasdol in Order Sheet), Baloda- Bazar, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- S.H.O. - Op. Sonakhan, P.S.- Kasdol,
District- Baloda- Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Hemant Gupta, Advocate

For Respondent : Mr. Anmol Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

13.07.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.489/2020 registered at Op-Sonakhan, Police Station- Kasdol, Distt. Baloudabazar-Bhatapara (C.G.) for the offence punishable under Section 302, 34 of I.P.C.
2. As per the prosecution case, on a demand of pension amount from the mother deceased Pan Bai and for the reason that the applicant No.1 had married a girl out of the caste, the dispute was existing. Consequently, the applicant No.1 Milsingh committed murder of his mother with the help of Udhav Kevat, applicant No.2.
3. Learned counsel for the applicants would submit that there is no evidence against the present applicants and the witness have not

supported the case of the prosecution and there is no FSL report in the trial; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the incident happened inside the house, therefore, the burden of proof is on the applicant No.1 how it occurred. In respect of the FSL, it is stated that the blood stains were found however they were disintegrated.
5. Considering the fact that the witness Rajkumar Patel, Guman Singh Bariha & Bhagwan Singh have not supported the case of the prosecution, without further observation on merit, taking into the nature of evidence, I am inclined to release the applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. However, the trial Court shall be free to examine the evidence while deciding the case on merits.
6. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge