

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2401 of 2021**

1. Surendra Singh S/o Shri Pooran Ram, Aged About 33 Years Caste - Gond
2. Haran Singh S/o Sitaram, Aged About 34 Years Caste - Gond,

Both are R/o - Village - Salka (Charpara), Police Station And Tahsil And District
- Surajpur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh, Through - Arakshi Kendra, Surajpur, District Surajpur Chhattisgarh

---- Respondent

For Applicants : Shri Gyan Prakash Shukla, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****20/07/2021**

Heard.

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 on 28.08.2020 in connection with Crime No.349/2020 registered at Police Station Surajpur, District Surajpur (CG) for the offence punishable under Sections 450, 302 read with Section 34 of Indian Penal Code 1860.
2. As per the prosecution case, on 25.08.2020 one Fagani Gond was found dead and the present applicants have been arrested on the ground that they were

last seen by Sahaudri Bai before the incident when she went to answer the nature call.

3. Learned counsel for the applicants submits that there is no eye witness in the present case and only on the basis of presumption the applicants have been arrested, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that there is some previous enmity existed in between the deceased and the applicants and Sahaudri Bai has categorically deposed that before the incident happened the applicants were present at the place of incident, therefore, the circumstantial evidence exist in this case.
5. Having considered the statement of Sahaudri Bai only on the basis of her statement the applicants have been arrested, therefore, without further any observation on merits at this stage, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one 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 by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu