

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2333 of 2021**

1. Ashok Kumar Das S/o Jitu Das, Aged About 30 Years

2. Manoj Das, S/o Keshav Das, Aged About 30 Years

Both are R/o Village Karamdih (Diptoli) P.S. Kurdeg, District Simdega, Jharkhand.

3. Bharat Das, S/o Moti Das, Aged About 45 Years

4. Shouki Das S/o Shankar Das, Aged About 30 Years

Both are R/o Village Beskimunda, Goripara, P.S. And Tehsil Lailunga, District Raigarh Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh

---- Respondent

For Applicants : Shri Shashank Thakur, Advocate

For Respondents/State : Shri Gagan Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order**

16/07/2021

1. Heard.

2. 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 14.02.2020 in connection with Crime No.161/2018 registered at Police Station

Kunkuri, District Jashpur (CG) for the offence punishable under Sections 302, 392, 201 r/w 34 of the Indian Penal Code.

3. As per the prosecution case, the applicants in connivance with other promised to give a coin to the deceased with an inscription of Lord Hanuman in lieu of Rs.5 Lakhs. On the date of incident on 08.09.2018 when the deceased reached their some altercation took place and the deceased was strangled and subsequently on the basis of the mobile location, the applicants were arrested and on the date of incident the mobile location of the applicants and the deceased was same and there was some internal conversation.
4. Learned counsel for the applicants submits that except the mobile location and the CDR nothing is on record to connect the applicants with the incident and only a ladies purse was recovered on the basis of the memorandum of Ashok Kumar Das but there is no evidence to show that the ladies purse belongs to the deceased therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that on the basis of the mobile location the applicants were arrested and a ladies purse was recovered from Ashok Kumar Das which belongs to the deceased, however, there is no identification that the said purse belongs to the deceased.
6. Perused the documents. Considering the nature of allegation and the evidence which have been collected so far and further considering the fact that only on the basis of the mobile location the applicants have been apprehended and the bag which was recovered from Ashok Kumar Das as appears has not been

identified that it belongs to the deceased. Taking into such fact I am inclined to release the applicants on bail.

7. 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