

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2980 of 2021**

1. Yogesh Sahu @ Gullu S/o Mahesh Kumar Sahu, Aged About 21 Years R/o. Nayapara Ward, Dhobi Chowk, Dhamtari, District Dhamtari Chhattisgarh.
2. Durgesh Rajak @ Mithun S/o Mohan Rajak, Aged About 22 Years R/o. Dhobi Chowk, Dhamtari, District Dhamtari Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Of Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. B.P. Banajre, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.06.2021**

The applicants have filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 184/2019 registered at Police Station: City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 302, 120-B, 34 of the IPC and Section 25 & 27 of the Arms Act.

The first bail application of the applicants was dismissed as withdrawn on 21.05.2020 passed in MCRC No. 5588/2019 and a liberty was given to the applicants to revive the same after examination of material witnesses.

Learned counsel for the applicants submits that the applicants

are innocent and have been falsely implicated in the case. He would next contend that except memorandum of the co-accused person there is nothing against the present applicants. Furthermore, PW-4, Hemendra Dewangan, the sole eye-witness was examined before the trial Court and he has not supported the prosecution case. He next contended that nothing has been seized from the possession of present applicants. The applicants are in jail since 01.05.2019, therefore, the present applicants may be released on bail.

Per contra, learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature of allegation, I am of the opinion that present is a fit case to release the applicants on bail.

Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

It is directed that the applicants shall be released on bail on their furnishing a personal bond in sum of Rs. 25,000/-each, with one local surety in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

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