

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6803 of 2020

Mohan Das S/o Adhin Das Aged About 45 Years R/o Village Dumardih, Police Station Shyang, Tahsil And District Korba, Chhattisgarh, District : Korba, Chhattisgarh **--- Applicants**

Versus

State of Chhattisgarh Through Station House Officer Police Station Shyang, District Korba, Chhattisgarh. **--- Respondent**

MCRC No. 6815 of 2020

Ku. Komal Mahant D/o Mohan Das Aged About 20 Years R/o Village Dumardih, Police Station Shyang , Tahsil And District Korba Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through Station House Officer Police Station Shyang District Korba Chhattisgarh. **---- Respondent**

For the applicants	: Mr. C.J.K. Rao, Advocate
For the State	: Mr. Somkant Verma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.01.2021

1. These are first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants for Crime No.02 of 2020 registered at Police Station Shyang, Distt. Korba (C.G) for the offences punishable u/ss 302, 201, 120(B) of IPC. Since both the bail applications are relating to the same crime number, they are decided together by this order.
2. As per the prosecution case, deceased Krishna Kumar Kanwar had an affair with applicant/accused Ku. Komal.

Since her marriage was fixed with some other boy, the deceased was threatening that he will not allow Ku. Komal to marry any other boy. On this dispute, the accused persons hatched conspiracy to kill the deceased and in furtherance thereof they strangled the deceased and threw the dead body at Datar Dam, Korba. The deceased was found missing after 10.12.2019. His father lodged the missing report on 19.12.2019. The dead body was found in the Dam on 16.01.2020 where-after merg intimation was recorded and after the merg enquiry, the FIR was registered against unknown accused on 20.01.2020.

3. Learned counsel for the applicants would submit that similarly placed co-accused Manish Ram Mahto @ Naka has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.5322 of 2020 disposed on 19.10.2020. He further submits that there is no eye-witness to the incident and the accused persons have been arrested merely on the basis of their disclosure statement in which accused has allegedly confessed to commit murder by causing strangulation. However, except the memorandum statement, there is no other evidence in the nature of extra judicial confession or last seen together to connect the applicants with the crime in question.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail. However, he does not dispute the fact that similarly placed co-accused have been enlarged on bail by the Coordinate Bench of this Court.
5. Considering the nature of evidence available against the present applicants and the fact that other similarly situated

persons have been enlarged on bail by the coordinate Bench of this Court and further looking to the period of detention of the applicants as they are stated to be in jail since 22.01.2020, I am inclined to allow these bail applications.

6. Accordingly, the applications are allowed and the applicants Mohan Das and Ku. Komal Mahant are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**