

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6812 of 2020**

1. Chetan Markam S/o Jampu Lal Markam Aged About 23 Years
2. Udeswar Markam Alias Mundu S/o Shri Jampu Lal Markam Aged About 19 Years Both R/o. Village Rajakhujji Ward No. 8, Police Station Dongargaon, District Rajnandgaon (Chhattisgarh)

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Dongargaon, District - Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicants : Shri Shaleen Singh Baghel, Advocate

For Respondent/State : Shri Gagan Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/01/2021**

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 02.09.2020 in connection with Crime No.128/2020 registered at Police Station Dongargaon, District Rajnandgaon (CG) for the offence punishable under Sections 147, 148, 149, 307 of the IPC.
3. As per the prosecution case, on 22.07.2020 during the engagement ceremony some altercation took place and the present applicants along with the co-accused persons assaulted Dharmendra, Manoj & Suraj and the assault was

sufficient to cause their death. Thereby the offence has been committed.

4. Learned counsel for the applicants submits that initially the report was made by Bhagwati, wherein these accused were not named subsequently these applicants have been named by Arti Markam, who is a hearsay. He would further submit that the injured persons Dharmendra, Manoj & Suraj have not named these applicants and the charge-sheet has been filed in this case, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Considering the facts and submission. Learned State counsel is not able to dispute that the applicants were named by Arti Markam and not by Bhagwati and the injured persons have not named the applicants, considering the same as also the fact that the charge-sheet has been filed, 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