

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7535 of 2020**

1. Chetu Das S/o Kusva Rohidas Aged About 55 Years,
2. Devdas S/o Chetudas Aged About 29 Years,

Both are R/o Village Kargikala, Police Station Marwahi
District Bilaspur Chhattisgarh. ----- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Korba,
District Korba Chhattisgarh. ----- Respondent

For Applicants :- Mr. Govind Ram Miri & Mr. Basant
Kaiwartya, Advocate
For Respondent-State :- Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

10/02/2021

1. This is an application filed under Section 439 of the Cr.P.C.
for grant of regular bail to the applicants, who have been
arrested in connection with Crime No.375/2019, registered
at Police Station Katghora, Distt.- Korba C.G. for the offence
punishable under Sections 302, 201, 120B and 34 of the
I.P.C.
2. The present applicant No.1 – Chetu Das is the first husband
of co-accused Kamla Bai while the applicant No.2 – Devdas

is the son of applicant No.1 Chetu Das out of his marriage with Kamla Bai. Co-accused Kamla Bai subsequently, started living with deceased Shivbalak Shriwas. At the time of occurrence from 05.07.2019 to 07.07.2019, co-accused Kamla Bai was living with Shivbalak Shriwas (since deceased).

3. As per prosecution case, prior to the date of incident, Kamla Bai lived with applicant Chetu Das for about a month due to which the deceased was not pleased with Kamla Bai and their relationship got strained. Kamla Bai hatched a conspiracy to eliminate Shivbalak Shriwas and on the date of incident she along with the present applicants and co-accused Krishna Kumar assaulted him and concealed the evidence of crime by throwing the dead body under the bridge at a nearby *nala*.
4. Admittedly, there is no eye witness to the crime. Case of prosecution is based on the memorandum statement of the accused persons and consequent recovery of iron pipe and club which were used for assaulting the deceased. Although, witness Vishwanath had seen two persons in the house of co-accused Krishna Kumar but he fails to identify those two persons.
5. Learned State counsel would oppose the prayer for grant of bail.

6. Considering the quality of evidence available on record and for the fact that the applicants are in jail since 08.07.2019 and it will take some more time for conclusion of the trial, 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 for a sum of Rs.50,000/- with one surety for the like amount 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.

Certified copy as per rules.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi