

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6880 of 2021**

1. Pawan Singh, S/o Late Devnarayan Singh, aged about 30 Years,
2. Palan Singh, S/o Late Devnarayan Singh, aged about 22 Years,

Both are by Caste Rautiya, Resident of Khutgaon, Sukbasupara, Police Station Farsabahar, District Jashpur, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Farsabahar, District Jashpur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Manoj Chauhan, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/10/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.27/2021 registered at Police Station- Farsabahar, District Jashpur, C.G. for the offence punishable under Sections 302, 201, 34, 120-B of Indian Penal Code.
2. Allegation against the present applicants is that they along with other co-accused persons were suspecting that the deceased- Kalamwati was practising witchcraft and therefore, they after hatching a criminal conspiracy committed her murder by strangulating her neck and further in order to cause disappearance of the evidence of the crime threw away the dead body in the toilet. On report being lodged to the

above effect, offence under the aforesaid sections have been registered against the applicants along with co-accused persons.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in jail since 27.06.2021 and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicants, further considering the memorandum statement of co-accused Sevak Singh where he admitted that he along with her mother Sukri Bai committed murder of deceased, the present applicants only helped the co-accused Sevak Singh in lifting the dead body of the deceased and throwing it in the toilet, the detention period of the applicants, who are 30 & 22 years old, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, the bail application is allowed. It is directed that in

the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge