

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7240 of 2021**

1. Hirdu Kumeti S/o Mehattar Kumeti Aged About 26 Years R/o At Village Becha, P.S. Chotedonger, Currently At Bhandhapara, P.S. Kondagaon, District Kondagaon, Chhattisgarh.
2. Onkar Kumeti S/o Mehattar Kumeti, Aged About 19 Years R/o At Village Becha, P.S. Chotedonger, Currently At Bhandhapara, P.S. Kondagaon, District Kondagaon, Chhattisgarh.
3. Dholendra Baghel, S/o Leduram, Aged About 21 Years R/o Village Polang, P.S. Kondagaon, District Kondagaon, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through : Police Station Benoor, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Shobhit Koshta, Advocate.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/10/2021**

1. The accused/applicants have moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 32/2019 registered at Police Station - Benoor, District - Narayanpur (C.G.) for the offence punishable under Sections 341, 435 and 392, 34 of the IPC.
2. On 19.08.2020, the first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses.
3. As per the prosecution case, on 12.08.2019 the applicants along with other co-accused person stopped the bus bearing Registration No. CG-17-F-0930 of Bastar Travels, instructed all the passengers to get down from the bus and thereafter poured

petrol and torched the bus while committed robbery from the passengers.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that during trial, 8 material prosecution witnesses have been examined, all the prosecution witnesses have neither identified the accused persons nor stated that the accused persons committed the offence. He also submits that one co-accused has already been granted bail in MCRC No. 6660/2021, therefore present applicants may also be extended benefit of bail. The applicants are in jail since 27.09.2019, there is no likelihood of their case being decided in near future, therefore also, the present applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that the applicants committed a grave offence, therefore, bail may not be granted to them.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and situation of the case, and further taking into consideration that the other co-accused person has already been granted bail by this Court and that the applicants are in custody since 27.09.2019, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local 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 to them by the said Court.
9. Certified copy as per rules.

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

