

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7739 of 2020**

1. Kudiyam Valeram S/o Kudiyam Bhima Aged About 31 Years,
2. Sonuram Michcha S/o Late Michcha Podiyam Aged About 26 Years

Both are R/o Village Borje Police Station Toynar District Bijapur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Toynar, District Bijapur Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. P.K. Tulsyan, Advocate
For Respondent-State	:-	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

03/02/2021

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.12/2019, registered at Police Station Toynar District Bijapur C.G, for the offence punishable under Sections 302, 450, 120 (B), 34 of the I.P.C. and under Section 25 of the Arms Act.

2. Applicant No.1 Kudiyam Valeram, applicant No.2 Sonuram Michcha and one Kishore Lekam have allegedly committed murder of deceased Michcha Kesa during the intervenning night of 5-6th November, 2019. Informant Chandani Kudiyam lodged merg intimation and thereafter FIR was registered against unknown assailant. However, after four months, Chandani Kudiyam gave supplementary statement to the Police that she has heard that the present applicants and other accused Kishore Lekam have committed murder.
3. The motive attributed to them is that applicant No.2 Sonuram Michcha was doubting that his uncle, deceased Michcha Kesa may dispose of the family land.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Having heard learned counsel for the parties and on perusal of case diary, it appears there is no eyewitness to the crime; no evidence of extra judicial confession or last seen together. The entire prosecution case is based on memorandum statement and subsequent seizure, however, in the charge sheet filed against the applicants there is no FSL report, which is still awaited.
6. Considering the quality of evidence against the applicants, I am inclined to release them 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