

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7392 of 2021**

- Vardhan Toppo, S/o Suleman Toppo, Aged About 49 Years, R/o Village Bhagharachaka, Police Station Brijraj Nagar, District-Jharsuguda, Odisha.

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station- Chakardhar Nagar, Raigarh, District- Raigarh (C.G.).

---- Respondent

For Applicant	: Mr. Manoj Paranjpe along with Mr. Abhishek Saraf, Adv.
For Respondent/State	: Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.10.2021**

1. The accused/applicant has moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 158/2016 registered at Police Station- Chakardhar Nagar, District- Raigarh (C.G.) for the offence punishable under Sections 302, 201, 120B and 34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 16.07.2020 passed in MCRC No. 3199/2020 by this Court.
3. The second bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of memorandum and seizure witnesses vide order dated 16.08.2021 passed in MCRC No. 4257/2021 by this Court.
4. The prosecution story, in brief is that, in the intervening night of 6

to 07.05.2016, two unknown dead bodies of two persons i.e. a woman and a child found on the road. However, things were created in such a manner to give an impression that an accident was occurred at the spot. The crime was registered against unknown person. During the investigation, the statements of the witnesses have been recorded and the offence has been registered against the applicant and he has been arrested in view of his implication in committing murder of the aforementioned persons in furtherance of the conspiracy.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the last seen witnesses and memorandum and seizure witnesses have not supported the case of the prosecution and declared hostile. He next added that there were no eye witness and no circumstantial evidence available on record to prove the involvement of the applicant in this crime. The applicant is in jail since 15.02.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the last seen witnesses and memorandum and seizure witnesses have not supported the case of the prosecution and declared hostile and main allegation is against other co-accused person. The applicant is in jail since 15.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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

R/-