

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8499 of 2021

1. Panchuram Deshmukh S/o Late Shri Sonau Ram Deshmukh Aged About 48 Years R/o Village Albaras, P. S. Anda, Tahsil And District Durg Chhattisgarh
2. Dhanraj Netam S/o Shri Badhguram Netam Aged About 35 Years R/o Village Khilauri, P. S. Utai, District Umarkote Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Anda, District Durg Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Pradeep Jogi, Advocate
For Non-Applicant/State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Justice Shri Sanjay S. Agrawal, J
Order On Board

17/12/2021

1. The applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they have been arrested on 31.12.2019 in connection with Crime No.155/2019, registered at Police Station- Anda, District Durg (CG) for the offence punishable under Sections 302, 201, 34 of the IPC.
2. According to the prosecution, a missing report was lodged on 23.12.2019 by the father of the deceased and based on information collected from unknown persons, dead body of the deceased was recovered from the field and after investigating the matter, the applicants have been arrested on 31.12.2019 and, based on their memorandum statements and that on the basis of seizure of rob, key of bicycle and a hand-note, wherein, the name of the deceased as well as date (23.12.2019) was mentioned, the alleged offence has been registered.
3. Learned counsel for the applicants submits that the applicants have

been falsely implicated in connection with the alleged crime. It is contended that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the prosecution evidence or absconding. It is contended further that as the applicants are in jail since 31.12.2019 and 4 prosecution witnesses, who have been examined, have not supported the prosecution case and merely on the basis of circumstantial evidence, the applicants have been arrested, therefore, they may be enlarged on bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. She submits further based upon the information that the applicants have no criminal antecedents.
5. I have heard learned counsel for the parties and perused the entire charge sheet carefully.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and considering further the statements of the prosecution witnesses who have been examined till date and have not supported the prosecution case and that the case is completely based upon the circumstantial evidence coupled with the fact that the applicants have no criminal antecedents, without commenting on merits of the case, I am inclined to enlarge the applicants on bail.
7. The application is accordingly allowed and, it is directed that in the event of the 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:-

(a) 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/her from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and

every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future.

8. 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 nature of offence.

Sd/-
(Sanjay S. Agrawal)
Judge

sunita