

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9202 of 2020

1. Manohar Baghel S/o Hiralal Baghel, Aged About 30 Years, R/o Village Devri, Thana Bhupdevpur Chowki, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Officer-In-Charge Police Station Bhupdevpur, Raigarh District Raigarh (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Faisal Akhtar, Advocate.
For Non-Applicant/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

25/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 10/12/2019 in connection with Crime No. 198/2019 registered at Police Station Bhupdevpur, Raigarh, District Raigarh (C.G.) for the offence under Sections 302, 201 & 34 of IPC.
- 2) Case of the prosecution in brief is that on account of there being dispute over partition of land of the accused persons namely Hira Lal Baghel, Tiharin Bai Baghel, Kumari Kaushaliya Baghel and Sunil Kumar Baghel with deceased Gangotri Bai, the accused persons committed Maarpet with the deceased and caused her death. After murder of the deceased, the dead body was thrown in the bushes near the pond with the help of the present applicant to cause disappearance of the evidence of crime.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He

submits that as per memorandum of co-accused Tiharin Bai Baghel it is evident that the applicant has not assaulted the deceased and he only helped the co-accused in shifting the dead body to some other place. He submits that the applicant is in jail since 10/12/2019, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicant that he only assisted the co-accused namely Hira Lal Baghel, Tiharin Bai Baghel, Kumari Kaushaliya Baghel, Sunil Kumar Baghel who murdered the deceased, in causing disappearance of the evidence of crime, the detention period of the applicant, the charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he 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. he shall not act in any manner which will be prejudicial to fair

and expeditious trial, and

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant