

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9189 of 2020**

1. Dharmendra Dheemar S/o Shriram Dheemar Aged About 24 Years R/o Abadi Para, Potiyadih, P.S. Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Lokesh Ngarchi S/o Chintaram Ngarchi Aged About 35 Years R/o Abadi Para, Potiyadih, P.S. Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
3. Girdhar Vishwakarma S/o Kumar Vishwakarma Aged About 28 Years R/o Abadi Para, Potiyadih, P.S. Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Hemant Yadav S/o Tikaram Yadav Aged About 25 Years R/o Abadi Para, Potiyadih, P.S. Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

**--Non-Applicant**

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| For Applicants          | : Shri Prasoon Agrawal, Advocate |
| For Non-Applicant/State | : Shri Vimlesh Bajpai, G.A.      |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**28.01.2021**

- 1) Heard.
- 2) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 15.10.2020 in connection with Crime No.489/2019 (wrongly mentioned as 489/2020 in the cause title of the impugned order), registered at Police Station- City Kotwali, District Dhamtari(CG) for the offence punishable under Sections 302, 201 r/w 34 of the IPC.
- 3) Case of the prosecution is that on 16.9.2019, an unknown person was found lying near Ojaswi Nursing Home, Dhamtari in injured condition. He was admitted to hospital and during treatment, he died. On the basis of CCTV footage, the present

applicants have been arrested and in their memorandum statements, they have admitted commission of crime.

- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the deceased himself was abusing the applicants in intoxicated condition. He submits that as the applicants have been arrested on 15.10.2020 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that the applicants have committed a grievous offence of murder.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the material collected by the Investigating Officer; the statements of the accused/applicants and only allegations are against other co-accused, Mukesh Yadav, assaulting the deceased by spade; charge sheet has been filed and further considering that the applicants are residents of Dhamtari District and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
- 7) It is directed that in the event of the each of the applicants 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, 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 them 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.

Sd/

**(Gautam Chourdiya)**  
**Judge**

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