

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9168 of 2021**

1. Laxman Yadav S/o Shri Harihar Yadav, aged about 45 years,
 2. Munshi Yadav S/o Harihar Yadav, aged about 55 years,
 3. Nitish Kumar Yadav S/o Shri Laxman Yadav, aged about 19 years,
- All are R/o Village Dol, Thana Chiniya, Distt. Gadhwa (Jharkhand)

---- Applicants**Versus**

State of Chhattisgarh through SHO P.S. Sanawal, Distt. Balrampur (C.G.)

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate
 For Respondent : Ms. Reena Singh, PL

Hon'ble Shri Justice Deepak Kumar Tiwari**Order on Board****17/12/2021**

Heard.

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 33/2021 registered at Police Station- Sanawal, Distt. Balrampur (C.G.) for the offence punishable under Sections 302, 201, 120 (B), 313, 363, 364 read with Section 34 of the IPC.
2. Prosecution story in brief is that on 16/06/2021 dead body of one unknown female was found inside the Kanhar river, Village-Indrawatipur. Merg intimation was lodged by one Mohan Singh. On 20/06/2021 the dead body was identified as Soni Devi by the father and mother of the deceased. During course of investigation, the FIR was lodged against the unknown persons. After investigation, memorandum statements of accused persons were recorded and

offence has been registered.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case. No incriminating article has been seized from the possession of the applicants, therefore, offence under Section 302, 120(B), 313, 363 and 364 read with 34 of the IPC can not be made out even from the material available in the charge-sheet. He further submits that there is a false allegation made by the police against the applicants under Section 201 of the IPC. The applicants did not play any active role for the murder of Late Soni Devi. He further submits that the applicants have been arrested on 27/07/2021 and there is likelihood of delay in trial, therefore, it is prayed to release the applicants on bail.
4. On the other hand, learned counsel for the State opposes the bail application and fairly submits that evidence against the present applicants is under Section 201 of the IPC.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly nature of allegation against the present applicants and the evidence collected by the prosecution against them, without further commenting on other merits of the case, this Court deem it fit to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 5000/- with one surety each of the like sum to the satisfaction of the trial Court on following conditions:-
 - i. 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 from disclosing such fact to the Court;
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial;

- iii. they shall appear before the trial Court on each and every date given to them by the said Court till the disposal of the trial;
- iv. they shall not involve themselves in any offence of similar nature in future;
- v. while furnishing the bail bonds, the applicants and the person who stand surety shall submit their Aadhar Cards and full-sized colored postcard size photographs mentioning their Aadhar numbers on the same before the trial Court who shall verify the same.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul