

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9686 of 2021

1. Dharmendra Kumar Sahu @ Balu S/o Onkar Ram Sahu Aged About 31 Years R/o Village Kotrabhata, Ward No.10, Tahsil And District Rajnandgaon (C.G.)
2. Anil Kumar Dhimar S/o Leeladhar Dhimar Aged About 38 Years R/o Village Surgi, Ward No. 15, Tahsil And District Rajnandgaon (C.G.). ---- **Applicants**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Basantpur, District Rajnandgaon (C.G.) ---- **Non-Applicant**

For Applicants: Shri BD Guru, Advocate.
For Non-Applicant/State : Shri Gurudev I Sharan, G.A

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

20.12.2021

1. This is the 1st bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicants, who have been arrested in connection with Crime No.316/2021 registered at Police Station –Basantpur, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 302 and 201/34 IPC.
2. Case of the prosecution in brief is that on 01.08.2021 at about 7.30 pm, the accused/Applicant consumed liquor along with the deceased and thereafter accused Upendra assaulted the deceased by a vegetable cutter and thereafter all the accused persons have hidden the dead body under the sand stock near the nursery, therefore, the offence under the said Sections has been registered.
3. Learned counsel for the Applicants submits that the Applicants have been falsely implicated in the crime in question and there is no direct evidence against them. On the basis of the memorandum of the accused persons, the Applicants have been implicated in the crime in question. He further submits that there is no likelihood of the Applicants' tampering with the prosecution evidence or absconding, they are in jail since on 03.08.2021 and trial is likely to take some time for its final

disposal, therefore, they may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that except the memorandum statement of the accused persons, no other evidence is available against the Applicants.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation, the fact that the co-accused Upendra has inflicted knife injury on the deceased and after his death, the body was concealed, the period of detention and there is no likelihood of the Applicants' tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.

6. It is directed that in the event of the Applicants' executing a personal bond for a sum of Rs 10,000/- with one surety in the like sum 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/-

(Deepak Kumar Tiwari)
Judge

Priya