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MCRC-50769-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 22<sup>nd</sup> OF JANUARY, 2025MISC. CRIMINAL CASE No. 50769 of 2024*DHANY KUMAR SAHU**Versus**THE STATE OF M. P*

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Appearance:

*Mr. Neeraj Pathak - Advocate for applicant.*

*Mr. Manoj Kumar Singh - Panel Lawyer for State.*

*Mr. Prashant Singh Baghel - Advocate for objector.*

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ORDER

This is the *first* application filed by the applicant under Section 483 of *Bhartiya Nagarik Suraksha Sanhita, 2023*/Section 439 of Cr.P.C., 1973 for grant of regular bail relating to FIR/Crime No.114 of 2024 registered at Police Station - Beohari, District-Shahdol (M.P.) for the offence punishable under Sections 302 and 201 of the Indian Penal Code.

2. Learned counsel for the applicant submits that on 25.02.2024, deceased was found dead in the field and after that the applicant has been arrested on 05.08.2024 on the basis of statement of Hariom Sahu. Statement of Hariom Sahu was recorded on 18.07.2024 till before, the police authorities have not examined this witness. Learned counsel for the applicant has also read over the statement of this witness on which, he has stated that he saw the incident but due to relations, he did not want any animosity with any persons, therefore, he did not disclose about the aforesaid incident to any other person



and when he was feeling guilty and when his conscious was not allowing then he narrated the story to the police authorities. No case is made out against the applicant, hence, the applicant be released on bail.

3. Learned counsel for the objector submits that just on the next date of the incident, the son of the deceased and other family members have clearly stated that the murder was committed by the applicant and his associates. Police recovered slippers from the spot and test identification was held on 24.07.2024. Identifying witnesses have clearly stated that the applicant and other co-accused persons were gathered together on the occasions of *Ramayana path* and *Sunderkand path* so they were identifying the slippers of the applicant and from the very beginning, the family were having doubt on the conduct of the applicant. Applicant is involved in this case as there was previous animosity but if any lacuna has been committed by the prosecution, the victim cannot be liable for that, hence, no case for bail is made out and prayed for rejection of the bail.

4. Learned counsel for the State has submitted that on the basis of the statement and identification of slippers, the accused was arrested on 05.08.2024, no case for bail is made out. Hence, the bail application be dismissed.

5. Heard learned counsel for the parties and perused the case diary.

6. Looking to the facts and circumstances of the case coupled with the fact that F.I.R. was lodged on 25.02.2024 and after that the applicant was arrested after a gape of more than five months i.e. on 05.08.2024, and in between the statement of Hariom was recorded on 18.07.2024. The trial will take time to



conclude, this Court deems it appropriate to enlarge the applicant on bail, therefore, without commenting on the merit of the case, the application is **allowed.**

7. It is directed that the applicant shall be released on bail on her furnishing personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

8. It is further directed that the applicant shall comply with the provisions of Section 480 (3) of BNSS.

9. Accordingly, M.Cr.C. stands disposed of.

10. C.C. as per rules.

(DEVNARAYAN MISHRA)  
JUDGE

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