

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2616 of 2015**

1. Jailal Yadav, S/o Sadhuraam, aged about 40 years,
R/o Hanumanpara, Katiyararas,
2. Ku. Chitamani, S/o Sadhuraam, aged about 42 years,
R/o Haumanpara, Katiyararas,

Applicants No. 1 & 2 both are resident of P.S.
Dantewada, Civil & Revenue Distt. Dantewada (C.G.)

3. Sukhram Yadav, S/o Late Manak Lal @ Gharjiya,
aged about 45 years, R/o Bhawsingh Para, Gumda,
P.S. Geedam, Civil & Revenue Distt. Dantewada
(C.G.)

.....Applicant**Versus**

State Of Chhattisgarh Through Station House Officer,
Police Station -Dantewada, Distt. South Bastar, Dantewada
(C.G.)

---- Respondent

For Applicant:	Shri Awadh Tripathi, Advocate.
For Respondent/State:	Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/07/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 123/2014 registered at Police Station Dantewada,

Distt. South Bastar, Dantewada for the offence punishable under Section 302/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that in the intervening night of 18/10-10-2014 present applicants and other co-accused namely Jaymati murdered Sureshwarnath (since deceased)- husband of co-accused- Jaymati and, thereby, committed the aforesaid offences.

(3) Learned counsel for the applicants submits that applicants are the innocent persons and they have falsely been implicated in the offence in question as the son of deceased- Sureshwar Nath has initially stated that someone has murdered his father and, thereafter, he has improved his version based on hearsay statement that the murder has been caused by present applicants and other co accused Jaymati, his mother *whereas* presence of the present applicants have not been noticed in the house of the deceased on the date of incident; no seizure has been made from the present applicants; and they are residing separately from the deceased and family of Jaymati, as such, it is a case of false implication merely on the basis of memorandum statement of co-accused Jaymati; no blood stained clothes have been recovered from the possession of the present applicants.

(4) On the other hand, counsel for the State submits that on the basis of memorandum statement of co-accused Jaymati, sharp edged weapon has been recovered from the possession of the present applicants and, therefore, the applicants are not

entitled to be released on bail.

(5) Taking into consideration the nature and gravity of the offences; further considering the role of the present applicant in the crime in question; particularly, absence of last seen together with the deceased; and at present there is no evidence on record showing presence of the present applicants in the house of the deceased; and no overt-act has been attributed against the applicants, no seizure has been made from the applicants; further considering the statement of Vishwanath, son of deceased Sureshwarnath recorded on 15.12.2014; their detention period; charge sheet has been filed; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

