

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1197 of 2015

1. Baleshwar Rajwade, S/o Kulbul Rajwade, aged about 28 years
2. Chunnu Lal Rajwade, S/o Kulbul Rajwade, aged about 37 years

Both the applicants are Rajwade by Caste (Wrongly printed as Caste Rajwad, in the cause title of first bail rejection order), R/o Village & Post-Kamalpur, P.S. Bishrampur, Tehsil-Surajpur, Revenue & Civil District-Surajpur (CG)

---- Applicants

Versus

State Of Chhattisgarh through Station House Officer, Bishrampur Revenue & Civil District-Surajpur (CG)

---- Non-applicant

For Applicant:	Shri Surfaraj Khan, Advocate.
For Non-applicant/State:	Shri Ravindra Agrawal, PL.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

06/04/2015

This is the 2nd bail application preferred by the applicants under Section 439 Cr.P.C as they were arrested on 21.03.14 in connection with Crime No.66/2014 registered at Police Station – Bishrampur, Distt. Surajpur (CG) for the offence punishable under Sections 460 & 302/34 IPC. The earlier bail application was dismissed as withdrawn by this Court vide order dated 16.7.14 passed in M.Cr.C No.3395/14 with liberty to revive the same after the eye-witnesses are examined.

2. Counsel for the applicants submits that by now both the eye-witnesses namely Heera Mani, PW-2 and Raju, PW-3 have been examined and taking into consideration their depositions wherein there are contradictions and omissions, benefit of which should be given to the present applicants. He further submits that the present applicants have already remained in jail for more than one year and on this ground, they may be released on bail. Lastly, he submits that relying upon the statements of Heera Mani, PW-2, co-accused persons namely Ramnath Rajwade and Larang Sai Rajwade, who have been released on bail by this Court vide order dated 6.2.15 passed in M.Cr.C No.643/2015, the

present applicants may be released on bail.

3. On the other hand, State counsel opposing the bail application submits that both the eye-witnesses have categorically named the present applicants of having assaulted the deceased and therefore, the case of the present applicants cannot be equated with that of co-accused Ramnath Rajwade and Larang Sai Rajwade for grant of bail.

4. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the depositions of Heera Mani, PW-2 and Raju, PW-3, I am of the opinion that the case of Ramnath Rajwade and Larang Sai Rajwade is distinguishable from the facts and allegations of the present case and therefore, it is not a fit case where the present applicants can be released on bail.

5. Accordingly, the application is rejected. However, it is expected that the trial court shall make all endeavours to decide the matter as expeditiously as possible.

J U D G E

Priya