

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4839 of 2015**

1. Tilak Ram, S/o Bahor, aged about 42 years, Occupation- Agriculturist, R/o Village – Khairbana Khurd, P.S. Bodla, District Kabirdham (C.G.)
2. Sitaram, S/o Rajau, Aged about 38 years, Occupation – Agriculturist, R/o Village-Khairbana Khurd, P.S. Bodla, District – Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Police Station Bodla, District Kabirdham (C.G.)

---- Non-applicant

For Applicant: Mr. Rakesh Pandey, Advocate.
 For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/09/2015**

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. 68/2015 registered at Police Station Bodla, District Kabirdham for the offence punishable under Section 302/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 12.06.2015 at about 2.58 am applicants murdered deceased Babaram, aged about 65 years, by burning and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that the applicants have been falsely implicated in the offence in question as they have not committed any offence. He further submits that eight prosecution witnesses have been examined and they have not supported the prosecution case and have been declared hostile and, as such, it is a case where applicant should be enlarged on bail considering the detention period of the applicant.

(4) On the other hand, counsel for the State submits that some incriminating articles have been seized, which demonstrates that applicants are actively involved in the commission of offence and, therefore, they are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the statements of the prosecution witnesses and the other material collected by the prosecution; I am not inclined to release the applicants on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-