

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1540 of 2016

1. Sandeep Ram, S/o Peela Ram, aged about 19 years, R/o Village Parsa, Police Station Udaipur, Post Udaipur, Civil & Revenue District Surguja (C.G.)
2. Jarang Sai, S/o late Thakur Ram, aged about 34 years, R/o Village Parsa, Police Station Udaipur, Post Udaipur, Civil & Revenue District Surguja (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through Police Station Udaipur, District Surguja (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.1648 of 2016

1. Dilip Ram, S/o Late Ramsai, aged about 21 years, R/o Village Parsa, Police Station Udaipur, Post Udaipur, Civil & Revenue District Surguja (C.G.)
2. Mahavir Sarthi, S/o Kholu Sarthi, aged about 23 years, R/o Village Parsa, Police Station Udaipur, Post Udaipur, Civil & Revenue District Surguja (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through Police Station Udaipur, District Surguja (C.G.)

---- Non-applicant

For Applicants:	Mr. Manoj Paranjpe, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board30/03/2016

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under

Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.55/2015, registered at Police Station Udaipur, Distt. Surguja, for the offence punishable under Sections 302, 201 and 120B read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that on 31-5-2015, the applicants strangled Maghan Ram and thereby caused his death.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in the case, in fact the only eyewitness Rakesh Kumar is the framed witness, he has not seen the incident, earlier he was arrested along with the applicants for commission of offence and thereafter, the said witness Rakesh Kumar has been released and he has been cited as eyewitness whereas, he has not seen the incident. His statement was recorded on 9-11-2015. The applicants are in jail since 9-11-2015.
5. On the other hand, learned counsel opposes the applications and submits that Rakesh Kumar is eyewitness whom the applicants have threatened to kill and if the applicants are released on bail, they are likely to kill Rakesh Kumar to get rid of him.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the testimony of Rakesh Kumar and evidence available on record, I am not inclined to grant bail to the applicants. Both the applications are accordingly rejected.

Sd/-
(Sanjay K. Agrawal)
Judge