

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 742 of 2016

1. Sarju S/o Rameshwar Sharma, Aged About 53 Years, R/o Village - Sohda, P.S. - Baarug, Aurangabad, District - Aurangabad (Bihar), Civil & Revenue District - Aurangabad (Bihar)

2. Upendra Sharma S/o Sarju Sharma, Aged About 28 Years, R/o Village - Sohda, P.S. - Baarug, Aurangabad, District - Aurangabad (Bihar), Civil & Revenue District - Aurangabad (Bihar)

---- Applicants

Versus

The State Of Chhattisgarh, Through Police Station, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh

-----Respondent

And

M.Cr.C.(A) No. 744 of 2016

1. Sarju S/o Rameshwar Sharma, Aged About 53 Years, R/o Village - Sohda, P.S. - Baarug, Aurangabad, District - Aurangabad (Bihar), Civil & Revenue District - Aurangabad (Bihar)

2. Upendra Sharma S/o Sarju Sharma, Aged About 28 Years, R/o Village - Sohda, P.S. - Baarug, Aurangabad, District - Aurangabad (Bihar), Civil & Revenue District - Aurangabad (Bihar)

---- Applicants

Versus

The State Of Chhattisgarh Through Police Station Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For applicants - Shri A.K. Prasad, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/08/2016

1. Both these bail applications are decided by this common order because it arises out of one series of act.

2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime Nos. 73/2009 and 75/2009 registered in Police Station Ramanujganj District Balrampur-Ramanujganj, (C.G.) for offence punishable under sections 147, 149, 364, 302, 201 of

Indian Penal Code.

3. As per the prosecution case, on 13/07/2009 one Baby, Pappu and Ranjan were murdered. It is alleged that Baby and Pappu they eloped which was helped by Ranjan and the applicants who are father and brother of Baby the girl who eloped with Pappu who was also murdered. It is also alleged that the applicants alongwith other co-accused has committed murder of the said Ranjan who is cousin brother of Pappu.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the statement of Gupteshvar and Ashok was recorded after 2 ½ years and no explanation has been given as to why said delay has been caused, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and would submit that the applicants were absconding and in their absence proceeding under Section 299 of Cr.P.C. was commenced and they were ranked as absconder.

6. Perused the case diary, documents as also statement. Admittedly, it appears that the applicants were absconding and charge sheet has been filed. The fact that statement of the witnesses have been recorded after 2 ½ years the reasons are to be appreciated with other evidence and deposition which is adduced during evidence. Considering the nature of evidence i.e. the statements which is on record and the fact that applicants were absconding, this court is not inclined to release the applicants on bail.

7. Accordingly, the bail applications are dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

