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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3261 of 2017**

1. Maheshram Rathiya S/o Manaram Rathiya, Aged About 20 Years  
Occupation Labour,
2. Hemant Rathiya S/o Shivnath Singh Rathiya Aged About 19 Years  
Occupation Labour

Both R/o Village Putukachhar Foolkhonchapara, Police Station  
Dharamjaigarh, District Raigarh, Chhattisgarh.

**---- Applicants****Versus**

State Of Chhattisgarh Through The Station House Officer,  
Dharamjaigarh, District Raigarh, Chhattisgarh.

**---- Respondent**


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| For applicant        | Mr. Manoj Kumar Jaiswal, Adv. |
| For Respondent/State | Mr. O.P. Sahu, Govt. Adv.     |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****25-7-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 15-10-2016 in connection with Crime No. 228/2016 registered in PS Dharamjaigarh, Distt. Raigarh (CG) for offence punishable under Section 302 and 201 of the Indian Penal Code, 1860.
3. Learned counsel for the applicants submits that after investigation charge sheet has been filed and the matter is pending before the 5th Additional Sessions Judge, Raigarh as ST No. 31/2017. He submits that there is no evidence against the applicants barring the memorandum of Veersingh, co-accused which cannot be used against the applicants, hence both be enlarged on bail.
4. Per contra, learned counsel for the State opposes the argument advanced on behalf of the applicants and submits that Neerabai, wife of the deceased is a witness of last seen. As per her statement, all the three came to her house and taken her husband thereafter her

husband was found dead.

5. Perused the entire material.
6. After consideration of statement of Neerabai under Section 161 of the Cr.P.C., I am not inclined to grant bail to the applicants.
7. Consequently, instant MCRC is dismissed.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**

Pathak