

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3496 of 2017**

1. Rajendra Sahu S/o Late Rangulal Aged About 40 Years R/o Hanod, Police Station - Utai, District- Durg, Chhattisgarh.
2. Rekha Bai Sahu W/o Rajendra Sahu Aged About 33 Years R/o Hanod, Police Station - Utai, District- Durg, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station - Somni, District- Rajnandgaon, Chhattisgarh. (Wrongly Mentioned As Police Station Utai- In The Bail Rejection Order)

-----Respondent

For Applicants	: Shri Sumit Singh, Advocate
For Respondent/State	: Shri Neeraj Sharma, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.6.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.206/2016, registered at Police Station Somni, Distt. Rajnandgaon(CG) for the offence punishable under Sections 302, 201/34 IPC.
3. Learned counsel for the applicants submits that the applicants are arrested on 31.12.2016 and after investigation police had filed charge sheet which is pending before the Additional Sessions Judge/ Special Judge (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989), Rajnandgaon (CG) as ST No.27/2017. Learned counsel submits

that applicant No.2 is woman and there is no eye witness to the incident. As per postmortem report, this may be a case of haunting by some wild animal. On the basis of memorandum of applicant No.2 nothing has been recovered. The applicants are made accused on the basis of circumstantial evidence i.e. memorandum of applicant No.1. Ingredient of Section 302 IPC is not demonstrated as required. The applicants are innocent, therefore, they may be released on bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the prosecution had collected evidence against both the applicants in the charge sheet goes to show that prima facie for the purposes of bail, the applicants are accused of the offence under Section 302, 201/34 IPC, which is a serious offence.

5. I have heard the counsel appearing for the parties and perused the material.

6. On due consideration of the entire material collected against the applicants, I am not inclined to grant bail to the applicants.

7. Consequently, the bail application filed on behalf of the applicants is dismissed.

Certified copy as per rules.

Sd/
(Chandra Bhushan Bajpai)
JUDGE