

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2097 of 2017

- Sevak Ram S/o Bisun Ram, Aged About 24 Years Occupation Agriculture, R/o Viullage- Kanthi, Police Station Darima, District- Sarguja, Chhattisgarh. --- Applicant

Versus

- State of Chhattisgarh through Station House Officer Police Station Darima, District- Sarguja, Chhattisgarh. --- Respondent

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.05.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.120/2016 registered at P.S. Darima, Distt. Sarguja (C.G) for the offence punishable under Sections 302, 394, 459, 460, 397, 120-B & 201/34 of IPC.
2. The first bail application was dismissed on 15.02.2017 for want of prosecution.
3. As per the prosecution case, one Fuleshwari and Nansai were murdered on 29.08.2016 and the dead bodies were recovered after 3 days in a decomposed condition. It is alleged that the present applicant and one Preeti Rajawade have stolen Rs.1 lakh from the house of deceased Fuleshwari and Nansai and thereafter purchased a motorcycle. The applicant is neighbor of the deceased persons who were issue-less whereas the other accused Preeti Rajwade was also residing in the same vicinity. Subsequently, the suspicion having grown that the accused has purchased motorcycle from the stolen money and a report would be lodged against the accused, they committed murder of both Fuleshwari and Nansai wife and husband by way of Axe and thereafter looted two golden ear tops of deceased Fuleshwari and

they fled away.

4. Learned counsel for the applicant would submit that according to the postmortem report, it was conducted on 01.09.2016 wherein it was reported that the death has been caused prior to 7 days, as such, the incident relates back to 24th August, 2016 and here the allegation is that both the deceased were made to death on 29th August, 2016, therefore, the allegations against the applicant are not made out. He further submits that no recovery has been made and only on presumption, the applicant has been implicated, therefore, he may be enlarged on bail.
5. On the other hand, learned State Counsel opposes the prayer.
6. Perused the case diary documents which shows that at the instance of the applicant and other accused, the blood stained clothes and Axe were recovered. Further the cash of Rs.23,700/- of different denomination of currency notes which was left out was also recovered after purchase of the motorcycle by the present applicant and the amount which was stolen from the deceased is Rs.1 lakh. The blood stained material appears to have been sent for FSL examination.
7. Considering the recovery of blood stained clothes and denomination of currency notes, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**