

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1343 of 2018

- Santoshi Bai Rajput W/o Late Shri Keju Ram Rajput Aged About 30 Years R/o.- Village Indra Nagar, Umariyan, P.S. Bilha, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- In The Challan P.S.- G.R.P. Bilaspur District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

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MCRC No. 2859 of 2018

- Bihari Lal Rajput S/o Shri Laxman Rajput Aged About 42 Years R/o Village Indra Nagar, Umariyan, P. S. Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station In The Challan P. S. G. R. P. Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.218/2017 registered at Police Station-G.R.P. Bilaspur, District – Bilaspur(C.G.) for the offence punishable under Sections 302, 201 & 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 28.10.2017. The confessional statement of the applicants in their memorandum statement is not legally admissible. Apart from that some of the witnesses, who have been examined in the trial have not supported the prosecution case. Hence, under these circumstances, it is prayed that they may be granted regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that one of the witness Shivratri Rajput has supported the prosecution version stating about the illicit relation of both the applicants. Apart from that in memorandum statement both the applicants have confessed their guilt. Hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, deceased husband of applicant Santoshi Bai in MCRC No.1343/2018 had doubts that applicant

Santoshi Bai has illicit relationship with applicant Bihari Lal Rajput because of which the deceased used to scold and keep the applicant Santoshi Bai under his restrictions. It is alleged that on account of these reasons, both the applicants conspired to murder the deceased and then after murdering the deceased with the help of stone and an axe, both of them kept the body of deceased of the railway track so as to give it a look of train accident. Hence, this case.

7. Considering on all the material present in the case diary, apart from that the confessional statement in the memorandum statement of both the applicants which is not legally admissible and other evidence that is proposed to prove its case against both these applicants is taken into consideration and also perused the deposition of the witnesses who have been examined before the trial Court and after overall consideration, I am of this view that both these applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge