

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2176 of 2018**

1. Indersai @ Guddu S/o Bharat Ram, Aged About 28 Years R/o- Village Kotli, P.S. Shankargarh, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Ladhoo S/o Late Shri Laxman Khairwar, Aged About 35 Years, R/o- Village Kotli, P.S. Shankargarh, District- Balrampur- Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through- the Station House Officer, P.S. Shankargarh, District- Balrampur- Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant**MCRC No. 2739 of 2018**

- Rajesh Kumar S/o Piya Sai, Aged About 25 Years, R/o- Nawadih, Police Station Kusmi, Balrampur, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Shankargarh, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Jietendra Shrivastava, Advocate (in MCRC No.2176/2018),

Shri Amarnath Pandey, Advocate (in MCRC No.2739/2018).

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****20-07-2018**

1. As these two applications arise out of the same crime number, i.e., Crime No.07/2017 registered at P.S. Shankargarh, District- Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 302, 376(घ), 201/34 of the IPC, they are decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been arrested on 10-02-2017.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 10-02-2017. They have been roped in only on the basis of memorandum statement of applicant Rajesh Kumar (applicant in MCRC No.2739/2018) which was obtained by the police by pressurizing and torturing him. It is further submitted that there is no such seizure to implicate the applicants in the crime committed. Apart from that, as alleged that the deceased was raped before she was done to death, is totally false statement, which is established from the DNA report received in the investigation which is part of the charge sheet, which shows that no male spermatozoa were found in the slides of vaginal secretion of the deceased, hence, the theory of rape is falsified. Even the call records show that the deceased and the applicant Rajesh Kumar who had talked on mobile phone were in separate places. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the memorandum statement of applicant Rajesh Kumar shows that a very heinous crime has been committed by these applicants and the statement of Gidiyabai along with the call detail reports of the mobile numbers of applicant Rajesh Kumar and the deceased also support the prosecution case. Hence, it is prayed that both the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. Deceased Priyanka Kujur went missing on 28-01-2017. Her body was recovered in Tikni forest on 03-02-2017 which was hanging from a tree. In postmortem examination it was reported that the deceased had died homicidal death. In the memorandum statements the applicants have admitted their guilt and led to recovery of some articles, according to which, the charge sheet has been filed on the basis that these applicants had raped and murdered the deceased. Hence, this case.

7. Considered on the entire material present in the case diary and also considered on the proposed evidence for prosecution of these applicants. After due consideration on each and every aspects of the case, I am of this view that these applicants should be granted regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge