

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2579 of 2018**

Likhil @ Monu S/o Rajendra Mahar Aged About 20 Years By Caste Mahar,
R/o Indra Avas, Village And Thana Bortalab, District- Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through- Police Station Bortalab, District-
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2681 of 2018**

Arjun @ Raju S/o Shri Ganesh Yadav Aged About 21 Years R/o- Village
Singaltola, Ward No. 4, Bortalav, P.S. Bortalav, Civil And Revenue District-
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- P.S. Bortalab, Civil And Revenue District-
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Parag Kotecha and Shri Keshav Dewangan, Advocates.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.05.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.15 of 2017, registered at Police Station Bortalab,

District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 306, 328, 302 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants are in jail since 11.8.2017 and they have been falsely implicated in these cases. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused person – Gaurav has been granted regular bail by this Court in M.Cr.C. No. 7246 of 2017 vide dated 13.3.2018. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the date of incident deceased – Laxmi Bai Yadav was forced by these applicants alongwith co-accused person to drink a cold drink containing rat poison in it. When the deceased was brought in indisposed condition to her house, she made a statement before witness – Smt. Kena Bai that the applicants and the co-accused person had forced her to drink the poisonous cold drink. Hence, this case.

6. It has been informed to this Court that in the trial the star witness of this case Smt. Kena Bai has been examined before the trial Court and she has turned hostile. There is a reference of the said fact in the order dated 13.3.2018 passed in M.Cr.C. No. 7246 of 2017. Hence, looking to the

development and also the fact that the co-accused has been granted regular bail by this Court, I am of the considered view that the applicants in both the cases are entitled for grant of regular bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases 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 trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge