

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4301 of 2018

1. Smt. Mangi Bai W/o Bhodro Bada, Aged About 52 Years, R/o- Lau (Dhamdhamiyapara), P.S.- Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Smt. Sonmani D/o Late Sukhu Uraon, Aged About 35 Years, R/o- Lau (Dhamdhamiyapara), P.S.- Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

MCRC No. 4873 of 2018

1. Roopnarayan S/o Sukhu Thoppo, Aged About 35 Years, R/o Lau (Dhamdhamiyapara) P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
2. Bhodro S/o Sadhu Bada, Aged About 55 Years, R/o Lau (Dhamdhamiyapara) P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Pushkar Sinha, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

1. As these two applications arise out of the same crime number, i.e., Crime No. Crime No.165/2017 registered at P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 302, 201, 120(B), 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 19-11-2017 in connection with the aforesaid crime number

and offence.

3. Learned counsel for the applicants submits that name of applicant No.1 in MCRC No.4301/2018 has been wrongly mentioned as 'Smt. Mangi Bai, hence, it may be read as 'Smt. Gangi Bai'.

4. It is further submitted on behalf of the applicants that the applicants have been falsely implicated in this case. At the most the offence that is made out against these applicants, is under Section 201 of the IPC which is bailable. Hence, it is prayed that the applicants may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes the applications.

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

7. According to the prosecution case, deceased Patiyaro and main accused Ramnarayan were husband and wife who had separated and the dispute between them were going on in Court, because of which, co-accused Ramnarayan throttled and caused death of the deceased and informed about the incident to these applicants and on the advice given by these applicants, the dead body was concealed by burying her. A missing report was lodged by father of the deceased on 15-11-2017. Subsequently, at the instance of co-accused Ramnarayan the body was recovered and on memorandum statement given by him, these applicants have been arrayed as accused in this case.

8. Considered on the material present in the case diary. These applicants were not the main assailant and accused in this case and their role in this incident is that they helped the main accused in disposing off the dead body, hence, I am of this opinion that these applicants should be granted regular bail.

9. 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil