

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5138 of 2018**

Ramdas Yadav S/o Rajkumar Yadav Aged About 19 Years R/o Village Nilkanthpur (Korgi), Police Station Ramchandrapur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station, Ramchandrapur, District- Balrampur- Ramanujganj, CG.

---- Respondent

For the Applicant	:	Shri CJK Rao, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 01/2018 registered at Police Station Ramchandrapur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302 read with Section 34, 120B, 201 and 376(2)(a) of IPC and Section 3(2)(V) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
3. In brief, the prosecution story is that deceased had love affair with the applicant. On 18/12/2017 near about 7.00 a.m. deceased had alone gone to forest. Applicant chased her and committed sexual intercourse with her promising to perform marriage. Thereafter applicant brought the deceased in his house. He intimated his brother Kailash Yadav that he brought the deceased in the house. Deceased refused to left

their house. Applicant and co-accused Kailash Yadav killed the deceased and thrown her dead body in Upka Dam.

4. Counsel for the applicant submits that from the alleged memorandum of the applicant no incriminating article has been seized. One co-accused has already been released on bail, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. On 03/01/2018 applicant's alleged memorandum was recorded. On 03/01/2018 near about 14.15 hours a bunch of black brown hairs was seized from the applicant. As per the seizure dated 03/01/2018, 15.50 hours bunch of brown and black hairs was also seized from the applicant. As per the RFSL report dated 27/02/2018 hair Article 'E' allegedly had been seized from the deceased during the postmortem on 05/01/2018 is identical to the hair Article 'G' which was allegedly seized from the applicant on 05/01/2018. as per the statement of Laxmi Singh applicant had told him on 19/12/2017 that he made inquire whether the deceased is alive or dead.
7. The case of the applicant is totally different from co-accused Kailash Yadav. Though *prima facie* it appears that date 05/01/2018 have been wrongly mentioned in RFSL report.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge