

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5888 of 2018**

1. Rajkumar S/o Late Salikram Maravi Aged About 22 Years Caste Gond,
2. Rajesh S/o Late Salikram Maravi Aged About 20 Years Caste Gond,
3. Fuleshwaribai W/o Rajkumar Aged About 20 Years Caste Gond,

All R/o Village Polami Banjhi Amapara P. S. Kukdur, Tahsil Pandariya,
Civil And Revenue District Kabirdham Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate, Civil And
Revenue District Kabirdham Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Dinesh Tiwari, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/09/2018**

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 counsel for the State in connection with the Crime No. 35/2018 registered at Police Station Kukdur, District Kabirdham (C.G.) for the offence punishable under Sections 302, 201, 34 of IPC.
3. Case of the prosecution, in brief is that deceased Phulesar Bai is the mother of applicants No. 1 & 2, mother-in-law of applicant No. 3. They were reside in village Polmi Banjhi Amapara. On 06/03/2018 accused Rajkumar Gond lodged the report in Police Station, Kukdur that his mother-deceased committed suicide on the way which leads to Bhedagad to Dalamouha. In the postmortem report of the deceased

doctor opined that death is due to strangulation and homicidal in nature. During the investigation it was found that deceased had given the fine, thus quarrels were happening with her and the applicants. Ultimately applicants killed the deceased and given it shape of hanging.

4. On the instance of memorandum of accused Rajkumar one stick was seized. On the instance of accused Rajesh Kumar one plastic rope was seized.
5. Counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the above mentioned facts and circumstances of the case, the statements recorded under Section 161 of CrPC, 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 applicants.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge