

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6816 of 2018**

1. Gajadhar Kashyap S/o Ram Kumar Kashyap Aged About 23 Years R/o Village Bhusandi, P.S. Jarahagaon, District - Mungeli, CG
2. Hardayal Sahu S/o Ridhdha Ram Sahu Aged About 30 Years R/o Village Bhusandi, P.S. Jarahagaon, District - Mungeli, CG

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Jarahagaon, District - Mungeli, CG

---- Respondent

For applicant	Mr. Uttam Pandey, Adv.
For Respondent/State	Mr. Satish Gupta, GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No.123/2018 registered in police station Jarahagaon, Distt. Mungeli (CG) for offence punishable under Sections 302, 201/34, 120-B of IPC and Section 3(2)(v) and 3(1)(x) of the SCST Act.
3. Perused the case diary.
4. Prosecution story in brief is that in the intervening night of 20-5-2018 and 21-5-2018, dead body of deceased Pushp Kumar Gendle was found near pond at village Bhushandi. As per post mortem report, the deceased died due to asphyxia as a result of throttling. During investigation, memorandum statement of applicant No. 1 Gajadhar Kashyap was recorded on the basis of which allegedly a blood stained jeans pant was seized from him. On the basis of memorandum statement of applicant No. 2 Hardayal Sahu, one club was seized from him. During investigation it was found that wife of applicant No. 2 usually talked with the deceased, therefore, the applicants killed the deceased.
5. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they may be released on bail.

6. On the other hand, the State Counsel opposed the bail application.
7. Considering the totality of the facts and circumstances of the case and gravity of the offence, this Court is not inclined to grant bail to the applicants.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge