

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3175 of 2019

1. Pardeshiram Verma And Anr. S/o Heeralal Verma Aged About 85 Years R/o Village Aurda, Police Station Ghumka, District Rajnandgaon, Chhattisgarh
2. Ku. Maheshwari Verma D/o Gangaram Verma Aged About 20 Years R/o Village Aurda, Police Station Ghumka, District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ghumka, Civil And Revenue District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Mr. Pushpendra Kumar Patel, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

27/06/2019

1. The applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 132/2018, registered at Police Station Ghumka, District Bilaspur (C.G.) for the offence punishable under Section 302, 201/34 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of eye-witness namely Shalini before the Trial Court vide order dated 07.03.2019 passed in MCRC No. 252/2019.

3. In this case, there are total three accused persons. The name of the deceased is Gayatri Verma. On the intervening night of 09.09.2018-10.09.2018, the dead body of the deceased found near her home where she resides. Dehati Nalshi lodged by Shalini Verma daughter of the deceased. On the basis of Dehati Nalshi, offence has been registered against unknown person. During course of investigation, statements of witnesses have been recorded. It was found that murder of the deceased has been committed by the applicants along with other co-accused person namely Upendra due to some previous dispute between them. On the basis of said background, offence has been registered. The applicants are in custody since 22.10.2018.
4. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that initially in Dehati Nalshi, Shalini Verma anything stated against the applicants later on at the time of recording of statement under Section 161 of Cr.P.C she first time stated against the applicants. Her statement is not reliable, apart from her statement, there is no evidence available on record against the applicants. The applicants are in custody since 22.10.2018.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that in the statement of Shalini Verma recorded under Section 161 of Cr.P.C. as well as statement recorded before the Trial Court she has categorically stated against the applicants, there is sufficient evidence available on record against the applicants. Therefore, they may not be released on bail.
6. I have heard learned Counsel for the parties and perused the case diary with due care.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in the statement of Shalini Verma recorded before the Trial Court she has categorically stated against the applicants, without further commenting on merits of the case, I am not inclined to release the applicants on bail.
8. Accordingly, the bail application is rejected.

Sd/-

(Arvind Singh Chandel)

Judge