

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7605 of 2018**

1. Rameshwar Rajak S/o Harprasad Rajak Aged About 33 Years
2. Savitri Rajak W/o Nand Kumar Aged About 35 Years

Both R/o Village Jarodha, Police Station Takhatpur, Tahsil Takhatpur, District Bilaspur CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For applicant	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	Mr. I. Lakda, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16-1-2019**

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. 247/2018 registered in police station Takhatpur, Distt. Bilaspur (CG) for offence punishable under Section 302 r/w. 34 of the IPC.
3. Prosecution story in brief is that on 1-7-2018 dead body of deceased Nand Kumar Rajak was found in front of house of applicant No. 1 Rameshwar Rajak. During investigation, it was found that applicants and co-accused Suresh Kewat had beaten the deceased. On the memorandum of applicant No. 1 Rameshwar Rajak, a Dupatta was seized from him. Applicant No. 1 is brother-in-law (sala) of the deceased. The applicant No. 2 is wife of the deceased. As per post mortem report, mode of death is asphyxia due to compression of neck. As per true copy of the statement of P.W. 1 Ram Kumar Rajak who is real brother of deceased, P.W. 2 Jitendra Yadav, P.W. 3 Harprasad Rajak who is Mama Sasur of the deceased, P.W. 4 Rani alias Lalita, P.W. 5 Sukita and P.W. 6 Anita who are daughter of the deceased, P.W. 7 Smt. Rupa Rajak, P.W. 8 Smt. Shailbai and P.W. 9 Preeti have turned hostile in the trial Court.
4. Counsel for the applicants argued that the applicants are innocent

and falsely implicated hence they be released on bail.

5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
6. Looking to the totality of the facts and circumstances of the case, and as trial will take its own time, the application is allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge