

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9016 of 2018**

- Rajudas Bairagi S/o Laxmandas Bairagi Aged About 27 Years R/o Village Khaira Rambhatha, Police Station Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Deepak Kumar Singh, Advocate
For Non-applicant	: Shri I. Lakra, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Case diary not produced. Counsel for the applicant produced photocopy of the charge sheet.
3. The applicant has been arrested in connection with crime No. 355/2017 registered at Police Station – Dabhra, District Janjgir Champa (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code and 3(2-5) SCST Act.
4. Case of the prosecution, in brief is that in the intervening night of 25.09.2017 and 26.09.2017 Lakash Kumar Yadav, Sanad Kumar Chandra, Faguram, Lakshmi Narayan Mahant and other persons were returning back from village Amlipar by pickup. On the way, they found that on the motorcycle of applicant dead body of the deceased Arti Chandra was lying. During the inquiry, he had told that after commission of the rape, he killed her by throttling. On the memorandum of the applicant, 1 Nokia mobile belonging to the deceased was seized from him. It is also alleged that applicant had called the deceased at Mandir Hasod.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been 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. As per the photocopy of the arrest memo of the applicant which is part of the charge sheet it has been mentioned that no antecedent has been reported against the applicant.
8. Counsel for the applicant further submitted that all the eye witnesses have turned hostile.
9. In the case in hand one witness Sanad is to be examined.
10. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
11. The trial Court is directed to expedite the trial and dispose off the trial as soon as possible.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE