

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10030 of 2018**

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

---- Applicants**Versus**

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

---- Non-applicant

For Applicants	: Shri Uttam Pandey, Advocate.
For Non-applicant	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

22/01/2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Earlier, the first bail application was rejected by this Court on 21.10.2018 in MCRC No. 6816 of 2018 considering the prima facie case against the applicants.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 123/2018 registered at Police Station – Jarahagaon, District Mungeli (C.G.) for the offence punishable under Sections 302,201/34,120-B of the Indian Penal Code and Section 3(2)(v) and 3(1)(x) of SC/ST(Prevention of Atrocities) Act.
4. Case of the prosecution, in brief is that in the intervening night of 20.05.2018 and 21.05.2018, dead body of the deceased Pshp Kumar Gendle was found near pond at village Bhushandi. As per postmortem 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 talking with the deceased, therefore, the applicants killed the deceased.
5. Learned counsel for the applicant argued that the applicants are in jail since long time, 11 witnesses has been examined who have not supported the prosecution case, thus, they may be released on bail. He drew my attention to some paragraphs of the photocopy of statement of PW9 Madhu Gendle.
6. On the other hand, learned counsel for the State opposes the bail application.
7. At this stage, this Court cannot do appreciation of the evidence. There is no change in the circumstance which may entitle the applicants to get the regular bail in second round.
8. Accordingly, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE