

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7574 of 2019**

- Ravikaran Walmiki S/o. Bhole Walmiki Aged About 21 Years R/o Pragati Nagar, Jhopad Patti, Police Station Dipika Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through-Station House Officer, Police Of Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent**And****MCRC No. 7346 of 2019**

- Shiv Shankar Yadav S/o Sri Ram Sundar Yadav Aged About 40 Years R/o Gram Karra, P.S. Ratanpur Tah. And Distt. Bilaspur Chhattisgarh.....(Particular Of The Applicant Is Not Mentioned In Order Sheet), District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Pali District Korba Chhattisgarh Revenue Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate in MCRC No.7574/2019
For Applicant	:	Shri R.K. Gupta, Advocate in MCRC No. 7346/2019
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.01.2020**

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for

releasing them on regular bail during trial in connection with Crime No.28/2019 registered at Police Station – Pali, District Korba(C.G.) for the offence punishable under Sections 302, 120-B r/w Section 34 of the IPC.

3. According to prosecution story, one Santosh Kumar Meshram gave information to the Police Station Pali that dead body of an unknown person was lying in the forest of Chita Jhorkhi, Saraipali, on which, the concerned Police reached to the spot and found that a person aged about 35 years was murdered by someone cutting his neck by a sharp edged weapon and nearby Motorcycle Hero Honda No. CG 10EF 4430 was standing. On investigation, the body was identified to be of one Rangnath Shyam and the applicants were arrested on the basis of mobile phone call details.
4. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. They submit that there was love affair between Rameshwari wife of the deceased and applicant Shiv Shankar Yadav, therefore, talking on mobile phone is but natural and it cannot be connected to the crime. They further submit that applicant Ravikaran is also a village person and was usually talking to Shiv Shankar Yadav. They submit that except memorandum, there is no evidence against the applicants and witnesses of seizure, PW4-Vishnu Tamrakar and PW6- Chhatrapal Singh have turned hostile and the applicants are in jail since 1.3.2019 and the trial is likely to take some time for its final

disposal, therefore, they may be released on bail.

5. On the other hand, counsel for the State opposes the bail applications. He submits that there are memorandum statements of the applicants which is self explanatory.
6. Considering the facts and circumstances of the case, particularly considering that prima facie, witnesses of memorandum and seizure (PW4 and PW6) have turned hostile and they have not supported the case of prosecution before the trial Court and the detention period of the applicants and trial is likely to take some time, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with two sureties each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge