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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1151 of 2021**

1. Shatruhan Kumar Goswami, S/o Shri Bhuvan Giri Goswami, aged about 26 Years, R/o Village- Nawalpur (Naka), Police Station- Urga, Tahsil- Kartala, Civil and Revenue, District- Korba, Chhattisgarh.
2. Chhattaram Yadav, S/o Shri Nanaki Ram Yadav, aged about 34 Years, R/o Village- Kachora, Police Station- Urga, Tahsil- Kartala, Civil and Revenue District- Korba, Chhattisgarh.

At Present R/o Village- Nawalpur (Naka), Police Station- Urga, Tahsil- Kartala, Civil And Revenue District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Applicants

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Urga, Civil and Revenue District- Korba, Chhattisgarh.

----Non-applicant

MCRC No. 1630 of 2021

- Ajay Kumar Dhruv, S/o Late Shree Krishna, aged about 30 Years, R/o Village Kachara Post Kathari Tahshil Kortala, District Korba, Chhattisgarh. Present Address Navalpur Naka (Railway Get Keepar) Thana Urga, District Korba, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Urga Korba, District Korba, Chhattisgarh.

----Non-applicant

For Applicants	Shri Paras Mani Shriwas and Shri Vikas Kumar Pandey, Advocates.
For State	Shri Ayaz Naved, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

23/06/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.350/2020 registered at Police Station Uрга, District Korba, C.G. for the offence punishable under Sections 302, 120(B), 201 read with 34 of Indian Penal Code, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that the present applicants on account of there being previous enmity with the deceased- Haresh Kumar, after hatching a criminal conspiracy committed his murder by assaulting him with spade and further in order to cause disappearance of the evidence of the crime threw away the dead body at a different place. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicants.
3. Learned counsel for the applicants submit that applicants are innocent persons and have been falsely implicated in this case. They submit that there is no direct proof of applicants involvement in the alleged crime. The applicants are in jail since 21.10.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, the gravity of the offence, further considering the fact that due to previous enmity, applicants assaulted upon the deceased and committed his murder with common intention, the material so far collected against the applicants, seizure and memorandum of the applicants, without commenting anything on merits of the case, I am not inclined to release the applicants on bail at this stage.

7. Accordingly, both the applications stand rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh