

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

CRA No. 346 of 2021

- Bhanu Pratap Rajwade, S/o Shri Vijay Kumar Rajwade, Aged About 41 Years, Cast - Rajwar, Profession- Farmar, R/o Village- Tilsiwa, P.S.- Ajak Thana - Surajpur, Tahsil- Surajpur, District- Surajpur, Chhattisgarh. **---- Appellant**

Versus

- State of Chhattisgarh, Through- Police Station- Aadivasi Kalyan Thana, Ajak - Surajpur, District : Surajpur, Chhattisgarh.

---- Respondent

CRA No. 358 of 2021

- Sanjay Ravi, S/o Shri Sante Lal Ravi, Aged About 28 Years, Caste Harijan, R/o Village Keshavnagar, Police Station Bishrampur, Tahsil and District- Surajpur, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through- The Incharge, Adim Jati Kalyan Thana, Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Appellants	:	Shri A.K. Prasad and Shri D.N.Prajapati,Advocates
For Respondent/State	:	Shri Vimlesh Bajpai, Govt. Advocate
For Objector	:	Shri Surfaraj Khan, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

09.04.2021

Heard.

1. As both the appeals arise out of the same crime number they are being disposed of by this common judgment.

2. These appeals by the accused/appellants under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are directed against the order dated 25.02.2021 passed by the Special Sessions Judge (Atrocities) Surajpur, District- Surajpur (C.G.) in Special Case No. 03/2021 rejecting their regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 302, 120 B, 201/34 of IPC and Section 3 (2) (V) of SC/ST Act, registered at Police Station- Adim Jati Kalyan Thana, Surajpur, District- Surajpur (C.G.). The appellants are in jail since 20.11.2020.
3. Prosecution case in brief is that the deceased namely Shankar Sonwani and wife of accused/appellant Bhanu Pratap Rajwade namely Hema Rajwade (co-accused) were having illicit relationship, therefore the appellant Bhanu Pratap alongwith Hema Rajwade and Sanjay Ravi committed murder of the deceased and with intention to hide the evidence of crime threw the deceased into the well. The dead body of the deceased was found in the well situated near the house of the appellant Bhanu Pratap Rajwade.
4. Learned counsel for the appellants submits that the allegations against the appellants are false and fabricated. Counsel for the appellants further submits that the appellants/accused are in jail since 20.11.2020 and they have no criminal antecedents, charge-sheet has already been filed, there is no eye witness, only on the basis suspicion appellants were arrested, there is no likelihood of the appellants tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
5. On the other hand, learned State Counsel as well as counsel for the objector vehemently opposes prayer for grant of bail and submits that the appellants in conspiracy with co-accuse Hema

Rajwade committed murder of the deceased and threw him in the waterlogged field and thereafter threw him into the well, therefore, they are not entitled for bail.

6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation that the appellants in-conspiracy with the co-accused Hema Rajwade called the deceased to their house, made him drink and after brutally assaulting the deceased he was initially thrown in the water logged agricultural field in unconscious condition and later he was thrown into the well, material collected during the investigation, statement of the Surendra Kumar Kurrey who is brother-in-law of the deceased, memorandum statements of the appellants, call details of the deceased and co-accused Hema Rajwade, articles seized from the accused Bhanu Pratap Rajwade, without commenting anything on the merits of the case, I am not inclined to release the appellants on bail.
7. Accordingly, the appeals being without any substance are hereby dismissed.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim