

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 4926 of 2021**

- Udesb Yadav @ Buthu, S/o Devsai Yadav, aged about 22 Years, Caste Bargah, Occupation Labour, R/o Village Salka (Patratoli), Tikrapara, Post Office Lahpatra, Police Station Darima, Tahsil Lakhanpur, District Surguja, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Darima, District Surguja, Chhattisgarh.

----Non-applicant

MCRC No. 4846 of 2021

- Rajeshwar Kewat, Son of Jailal Kenwat, aged about 28 Years, Caste Kewat, aged about 28 Years, Occupation Labour, R/o. Village Salka (Patratoli), Mohalla, Tikrapara, Post Office Lahpatra, Police Station Darima, Tahsil Lakhanpur, District Surguja (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Darima, District Surguja (Chhattisgarh).

----Non-applicant

For Applicants
For State

Mr. P.K. Patel, Advocate.
Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30/07/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.39/2021 registered at Police

Station Darima, District Surguja, C.G. for the offence punishable under Sections 376(D), 302, 201 read with 34 of Indian Penal Code, they are being disposed of by this common order.

2. Allegation against the present applicants is that they in association with other co-accused persons subjected the deceased to forcible sexual intercourse and committed her murder and thereafter threw the dead body near brick-kiln of Siyaram Gond with an intention to conceal the evidence of the offence.
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 27.02.2021, 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 gravity of the offence, further considering the fact that deceased was allegedly subjected to forcible sexual intercourse by the present applicants and other co-accused persons and thereafter they committed her murder with common intention, the material so far

collected against the applicants, without commenting anything on merits of the case, I am not inclined to release the applicants on bail.

7. Accordingly, both the applications stand rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh