

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5240 of 2021**

- Shivshanker Sahu S/o Bisahu Ram Sahu Aged About 19 Years R/o Village Saristal, Police Station Lormi, District Mungeli Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Chilfi, Police Station Lormi, District Mungeli Chhattisgarh ---- **Respondent**

MCRC No. 5622 of 2021

- Dilharan Sahu S/o Rambharos Sahu Aged About 19 Years R/o Village Baghraitola, Police Station Kui Kukdur, District- Kabirdham, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Chilfi, Police Station Lormi, District- Mungeli, Chhattisgarh ---- **Respondent**

For Applicants	: Shri Priyanshu Gupta, Advocate
For Respondent/State	: Shri Hari Om Rai, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25.10.2021

1. As these two bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.599 of 2020 registered at Police Station- Lormi, District- Mungeli, Chhattisgarh for the offences punishable under Sections 302, 397, 460, 120 B of IPC, and Sections 4 and 6 of Tonhi Pratadna Act, 2005.
3. Case of the prosecution, in brief, is that on 07.11.2020, complainant was in sleep along with her grand children Sanju and Anju. Her daughter Nagin Bai (since deceased) was sleeping in another room. In the midnight at about 1 am, complainant heard some noise of door upon which she came out of her room and saw that bulb in front of door was removed. Door of room of Nagin Bai is

opened and she was lying bleeding. She suffered injury on her head. She also found that ornaments of Nagin Bai were looted. Incident was reported to concerned Police Station, based upon which, crime was registered against applicants.

4. Shri Priyanshu Gupta, learned counsel for the applicants submits that applicants have been falsely implicated in case and have not committed any crime as lodged against them. He submits that other two co-accused persons, namely, Panch Ram Sahu and Ram Sahu were enlarged on bail in MCRC-1114 of 2021 by Court on 09.07.2021. Case of applicants is also on same footing and they may be enlarged on regular bail. He further submits that applicants are in jail since 12.11.2020 and trial may take some time.

5. Shri DP Singh, learned State counsel opposing the submissions of learned counsel for the applicants, submits that case of other two co-accused persons stands on different footing. There was no incriminating article found in their possession, whereas, from the possession of present applicants, there is seizure of gold and silver articles and blood stained clothes and weapon (*tabbal*). Blood on weapon used for crime and clothes found to be human blood. Hence, applicants are not entitled for bail under Section 439 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations, fact that from possession of applicants, Police seized gold and silver ornaments, blood stained clothes from Shiv Shankar, and from possession of applicant-

Dilharan, blood stained weapon (*tabbal*) were seized by the Police, and Blood on seized articles is stated to be human blood, I do not find it a fit case to enlarge applicants on regular bail. Accordingly, bail applications are dismissed.

8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma