

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.697 of 2016

1. Smt. Sujata Sharma, W/o Dhiraj Sharma, aged about 20 years, R/o Sect.-11, Zone-2, Khursipar, Bhilai, Tah. Bhilai, Distt. Durg (C.G.)
2. Dhiraj Sharma, S/o Shri Lallan Sharma, aged about 23 years, R/o Balaji Nagar, Behind Sigadi Shop, Sect.-11, Zone-2, Khursipar, Bhilai, Tah. Bhilai, Distt. Durg (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through District Magistrate, Civil and Revenue Distt. Durg (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.698 of 2016

Smt. Dharmshila Chaudhary, W/o Vanshlochan Chaudhary, aged about 40 years, R/o Sect.-11, Zone-2, Khursipar, Bhilai, Tah. Bhilai, Distt. Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Civil and Revenue Distt. Durg (C.G.)

---- Non-applicant

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For Applicants:	Mr. Amiyakant Tiwari, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

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Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board29/02/2016

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.304/2015, registered at Police Station Khursipar, Distt. Durg, for the offence punishable under Sections 318,

302 and 201 read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that the applicants murdered a newly born baby on 27-8-2015 and thereby committed the offence.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. The applicants are in jail since 11-9-2015, charge-sheet has been filed and there is no possibility of trial being concluded expeditiously and therefore, they be released on bail.
5. On the other hand, learned State counsel opposes the bail applications and submits that there is testimony of eyewitness Shivaji Gupta and attendant of the ambulance which clearly indicate the involvement of the present applicants in the crime in question.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, material available in the case diary and the manner in which the applicants are said to have caused the death of a newly born baby, I do not consider it a fit case for grant of bail to the applicants. Consequently, both the applications stand rejected.

Sd/-  
(Sanjay K. Agrawal)  
Judge