

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 471 of 2015

Vicky Pandey S/o G.S. Pandey, aged About 28 years, R/O Dharamjaigarh, Distt.
Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh through the Station House Officer, Police Station
Dharamjaigarh, Distt. Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri B.D. Guru, Advocate.
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate.

Order On Board

29/06/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.103/2014, registered in Police Station- Dharamjaigarh, District- Raigarh, for alleged commission of offence under Sections 302, 201, 364 & 120-B read with Section 34 of the IPC.

Case of the prosecution is that one Ganesh Yadav eloped from his house and his dead body was later on recovered and according to medical examination, it was a case of homicidal death.

Learned counsel for the applicant submits that the applicant is alleged to be involved in commission of offence on the basis of memorandum of co-accused Tahid Ansari. He submits that the applicant's involvement is based only on a memorandum of co-accused, who has stated that the applicant was also present at the time of incident of murder, which is not permissible in evidence. Except this, there is no other evidence to connect the applicant with the commission of offence.

On the other hand, learned counsel for the State submits that at present the case is under investigation and interrogation of the applicant is necessary towards investigation. He submits that prima facie, applicant has been named as one of the accused playing a role in the murder of Ganesh along with other.

Taking into consideration the nature of allegation and considering that at present, the case is under investigation and custodial interrogation appears to be necessary, I am not inclined to allow the application.

The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge