

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2745 of 2016

1. Kamla Prasad @ Pappu, aged about 36 years, S/o. Late Nathulal, R/o. Village Pasouri, Thana Kelhari, District – Koriya (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Kelhari, District – Koriya (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.2/2016, registered at Police Station – Kelhari, District – Koriya (C.G.) for the offence punishable under Section 302, 201, 120B and 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a missing report of Mukesh was made on 02.11.2015 by his father, Nand Kumar. Subsequently his dead body was found and the incident alleged to have been occurred in between the period of 29.10.2015 to 02.11.2015. It is the case of the prosecution that Ramlal has caused death of Mukesh by way of screw driver on his neck with the help of Ashok, Madhuri and Pappu, the present applicant.
3. Learned counsel for the applicant submits that the only on the basis of extra judicial confession, the present applicant has been inculpated

and the main allegation of causing death is on Ramlal, therefore, prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Ramlal as also the statement of Nandkumar, wherein the extra judicial confession has been made in front of him that Ramlal alongwith other accused and the present applicant has caused death and threw the dead body in the dam. Considering such statement I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge