

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4393 of 2016

- Vinod Kumar Singh S/o Sukhdeo Singh Aged About 33 Years
Caste Kanwar, R/o Village Bhalukachar, Police Station
Darima, Tahsil Ambikapur, Civil & Revenue District Surguja,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate,
Ambikapur, District Surajpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. A. K. Prasad, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.40/2016 registered at P.S. Darima, Distt. Surguja (C.G) for the offence punishable under Sections 302, 201, 34 IPC.
2. As per the prosecution case, dead body one Pradeep Kumar was found near Lutma River and he was last seen in the company of present applicant till late night of 16.03.2016 and his dead body was found on 17.03.2016 near the said river. The death was caused by strangulation and the applicant being in the company of deceased till last moment, he has committed the offence.
3. Learned counsel for the applicant submits that only last seen theory is available against the applicant and no other clinching evidence is available. He further submits only on presumption, the applicant has been inculpated and the case is based on circumstantial evidence, therefore, the applicant

may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of Sandeep Kumar and Pankaj Kumar Singh wherein they have stated that till 10 o' clock in the night the deceased and the applicant were together and subsequently in the morning at 7 a.m., the dead body of deceased was found. Further recovery of mobile of deceased was made from the possession of the applicant.
6. Considering the evidence available it is not a case to enlarge the applicant on bail. Accordingly the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**