

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5687 of 2016

Dilip Sahu, Aged About 46 Years, S/o Chhedi Lal Sahu, R/o Village
Devkirari, Police Station- Belha, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Bemetara
Chhattisgarh

---- Respondent

For applicant - Shri Uttam Pandey, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.489/2015 registered in Police Station Nandghat, Dist. Bemetara (C.G.) for offence punishable under sections 302, 201, 120-B, 364 of Indian Penal Code.
2. As per the prosecution case, dead body of one Amarjit Sahu was found in the month of November, 2015 in burnt condition. Subsequently, on investigation it revealed that the applicant alongwith other co-accused committed murder of Amarjit and burned the dead body. Thereafter, on the memorandum of the applicant motorcycle, clothes were seized. Thereby, offence is committed.
3. Learned counsel for the applicant submits that in the entire memorandum Lukesh Verma has stated that he reached at 2 'O clock in the Police Station whereas memorandum time is recorded between 7 to 10 am, therefore there is gross difference of timing appears which shows that the applicant has been falsely implicated. He further submits that considering the statement it would show that the applicant has been falsely implicated, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that as per prosecution circumstantial evidence is available and as per statement of Mukesh Dhruv wherein the last seen theory is existing.

5. Perused the statement of Lukesh Verma. Considering the fact that Lukesh Verma though he has stated that he has gone to the Police Station at 2'O clock but then memorandum recorded other time, it is to be appreciated by the trial court after entire evidence is complete. At this stage no opinion can be given about commission and innocence of the act. Further taking into the material available against this witnesses and fact that other witnesses are to be examined, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed. However, it is observed that the trial court while deciding the trial will not be influenced by any observation made by this court.

Sd/-

(Goutam Bhaduri)

JUDGE