

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1882 of 2016**

Kamta Prasad Kosre, S/o Lakhan Lal, aged about 25 years,
R/o Village Asoga, Police Station Ranitarai, District Durg,
C.G.

---- Applicant

Versus

State Of Chhattisgarh: Through District Magistrate, Durg,
D.G. (wrongly mentioned as Collector)

-----Non-applicant

For Applicant: Mr. N.S. Dhurandhar, Advocate.
For Non-applicant/State: Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 181/2009 registered at Police Station Utai, District Durg for the offences punishable under Sections 302, 201, 120-B, 34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 2.7.2009 applicant and three other co-accused persons strangulated deceased Asha Bai and thereby caused her death.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as there is no evidence on record to connect the applicant with the offence in question. He further submits that only on the basis of

memorandum statement of Kamta, the applicant has been implicated in the offence in question in which he is in detention since 17.10.2015 and no material object has been seized from his possession and therefore, he may be released on bail.

(4) Counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence; facts & circumstances of the case and the manner in which the applicant & other co-accused persons are said to have strangled deceased Asha Bai and thrown her dead-body and taking into account the other material available in the case diary, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-