

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3417 of 2016

- Rohit S/O Tirith Verma Aged About 31 Years R/O Village Amora, Tehsil & Police Station Bemetara, Civil & Revenue District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 2-5-2016 in connection with Crime No. 228 of 2016 registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Sections 364 and 307 of the IPC.
2. As per case of the prosecution on 30-04-2016 the applicant gave a phone call to complainant Madhusudhan to ascertain his whereabouts and after knowing the same he went there and asked him to accompany him to go to medical store at village Bijabhat on his motor-cycle. Instead of going to village Bijabhat, he was taking him to village Tendubhata, on the way, he stopped his vehicle and after answering the nature's call the applicant told complainant that he was going to kill him, therefore, with whom he wanted to talk he may talk. The complainant talked to his father and friend, thereafter he was strangulated by way of *gamcha* and subsequently father and friend of the complainant rushed to the spot where they found

the complainant lying on the ground in unconscious condition and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and prosecution has made a concocted story. If the applicant wanted to kill the complainant, he would not be unarmed. The allegation leveled against the applicant is false and frivolous and no attempt has been made to commit murder of the complainant. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 2-5-2016, therefore, he may be released on bail
4. *Per contra*, learned State counsel opposing the bail application would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perusal of the statement of the complainant Madhusudhan would show that as the incident has been narrated, the applicant tried to kill the complainant by strangulation.
7. Taking into consideration the facts of the case and the manner in which the offence was committed by the applicant and further considering the statement of the complainant Madhusudhan, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju