

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1833 of 2016**

Kamta Prasad Vaishnav S/o Ganagadas Vaishnav, aged about 34 years,
R/o Village Bhakura, P.S. & Tahsil Ambikapur, Civil Revenue & District
Surguja (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, P.S. Gandhinagar,
Dist. Surguja (CG)

---Non-applicant

For Applicant	:	Mr. S.R. Sinha, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/04/2016**

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.255/2014, registered at Police Station-Gandhinagar, District-Surguja (CG), for the offence punishable under Sections 302, 201 and 120B of the IPC.

2. Case of the prosecution, in brief, is that the applicant has murdered Ramnaresh Rajwade (since deceased) on 20.7.2014 and thrown his dead body into dense forest.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that skeleton was found, which was not identifiable and F.I.R. was lodged on 19.11.2014.

The applicant could not be connected with the said offence and his memorandum statement is not admissible. He would also submit that no incriminating articles have been seized from the present applicant, he is in jail since 17.9.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant had illicit relation with wife of the deceased, therefore, in conspiracy with wife of the deceased administered poisonous substance in article given to deceased Ranaresh Rajwade and pursuant thereto, Ramnaresh Rajwade died and his dead body was thrown into dense forest and as such, there is overwhelming evidence available in the case diary to connect the present applicant in crime in question.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, the manner in which the deceased was administered poisonous substance by the applicant and his dead body was thrown into dense forest and material available in the case diary, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-