

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2812 of 2016

- Pradeep Kumar Jha S/O Late Govind Jha Aged About 30 Years
R/O Irrigation Colony, Darri, P.S. Darri, Tahsil Katghora, Distt.
Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Darri, Distt. Korba Chhattisgarh

---- Respondent

For Applicant : Mr. S.R.J. Jaiswal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is the 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 24-01-2016 in connection with Crime No. 135 of 2014 registered at Police Station Darri, District Korba (CG) for the offence punishable under Sections 302 & 201/34 of the IPC.
2. As per prosecution case, it is alleged that in the intervening night of 28 & 29-6-2014 one Govind committed suicide by hanging, thereafter merg intimation was made by the applicant and other co-accused persons and subsequently when the post-mortem was carried out, it was found that he was strangled to death. When the incident took place, the applicant who was son of the deceased Govind, was the inmate of the house.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence, no evidence is available on record to connect the applicant with the crime in question, only on the memorandum and brain map test he has been falsely implicated in the case. He would further submit that charge-sheet has been filed and the applicant is jail since 24-1-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that there is sufficient evidence against the applicant to connect him with the crime in question
5. I have heard the counsel appearing for the parties and perused the case diary and documents. During merg it was reported that father of the applicant Govind had committed suicide by hanging, but subsequently it was found to be strangulation.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and considering medical evidence of the deceased and the fact that the applicant who was the son of the deceased, was inmate of the house when the incident took place, I am not inclined to release applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju