

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6120 of 2016

Jitendra Kumar Yadav S/o Late Jawahir Yadav, Aged About 20 Years, Occupation Education, R/o Village Sonpurwa, Police Station Badgaon, Tahsil Pindra, District Varanasi, Uttar Pradesh.

---- Applicant

Versus

The State Of Chhattisgarh, Through The District Magistrate, Raigarh, District Raigarh, Through The Officer In Charge Of Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For applicant - Shri Roop Naik, Advocate.

For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/10/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.370/2015 registered in Police Station Dharamjaigarh, District-Raigarh (C.G.) for offence punishable under sections 302, 120-B, 201, 34 of IPC.

2. As per the prosecution case, when the applicant along with other co-accused were coming in a truck, they were intercepted by the Varanasi Police on 13/11/2015, two of the persons fled away and the applicant was arrested and on interrogation since no documents of the truck were with him, it revealed that the applicant along with other two accused Shivdhari and Sonu Ali has strangulated and killed Dinesh Singh owner of the truck and took away his truck, thereby committed murder of Dinesh Singh.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, there is no evidence to connect the applicant has committed murder of Dinesh Singh as no memorandum was recorded neither any confession is recorded nor any recovery is made.

Therefore, learned counsel submits that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. In this case merged statement was recorded at Dharamjaigarh on 25/11/2015. Perusal of the record would show that truck was intercepted by Varanasi Police wherein applicant was arrested and two persons fled away Shivdhari and Sonu Ali and during such interrogation it disclosed the fact that applicant along with other co-accused has committed murder of Dinesh Singh. Therefore, considering the documents the truck which was looted belonged to the deceased recovered from the possession of this applicant which tallied with the fact of discovery of body of the deceased. Taking into such facts and evidence, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE