

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7103 of 2016

- Rajkumar Yadav S/o Shri Raju Yadav, Aged About 22 Years
R/o Akhradand, Pandopara, Thana Khadgawa, District Koriya
Chhattisgarh --- **Petitioner**

Versus

- The State of Chhattisgarh through Police Station Pratappur
District Uttar Bastar Kanker Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Parag Kotecha, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 1/2016 registered at P.S. Khadgawa, Distt. Koriya (C.G) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, on 27.12.2015, the deceased Ram Sagar Yadav who was in love relations with one Sonkali Yadav when went to forest, the applicant came from behind and assaulted the deceased Ram Sagar Yadav by way of Axe whereby he died.
3. Learned counsel for the applicant would submit that the sole eye witness Sonkali has turned hostile and she has not supported the case of prosecution. She has stated that at the time of incident, the person who assaulted had covered his face, therefore, she could not identify the assailant. He submits that the applicant has been falsely implicated in this

case and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the charge sheet.
6. It shows that the blood stained clothes were alleged to be recovered from the applicant. Taking into such evidence, at this stage, it will not be proper for this court to adjudicate the case for consideration of bail by only evaluating the statement of sole eye-witness Sonkali and it is for the trial Court to adjudicate the same after the entire evidence along-with the evidence of seizure are examined. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**