

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6963 of 2016

- Gajendra Patel S/o Late Ram Khilawan Patel, Aged About 24 Years
R/o Village Ranwahi, Police Station Bhanupratappur District Uttar -
Bastar (Kanker) Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The District Magistrate, Uttar -
Bastar (Kanker)

---- **Respondent**

For Applicant : Mr. Ravindra Agrawal, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

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 16-5-2016 in connection with Crime No. 142 of 2016, registered at Police Station Korar, District Uttar Bastgar (Kanker) (CG) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution, in brief, is that on 16-5-2016 a report was made by Niranjana Patel that on 15-5-2016 the applicant committed murder of his own father in the forest by way of knife and thereafter he was creating nuisance after consuming liquor 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, there is no eye-witness to the incident, no evidence is available against the

applicant and only on the presumption the applicant has been inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 16-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents which would show that the applicant made extra judicial confession before Niranjana Patel and Radheshyam.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the extra judicial confession made by the applicant before Niranjana Patel and Radheshyam. I am not inclined to release the 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