

2. The prosecution case against the present applicant is that the applicant and deceased were having tea at Tea Stall, where the differences arose in between them and the applicant assaulted with cement brick. Upon second assault with the piece of brick, deceased Sunil died on the spot and his body was removed from the spot and was sought to be thrown away to some other place, as such offence punishable under Section 201 of Indian Penal Code was

registered.

3. While trying to make out a case for grant of regular bail, Mr. Sant, learned Counsel for the applicant would urge that, apart from completion of investigation and filing of chargesheet, the intention of the applicant as regards *mens rea* could be ascertained from the conduct narrated in the F.I.R. He would then urge that, looking to the background, as to which offence took place, the intention cannot be attributed to the applicant.

4. Learned A. P. P. opposed the application on the ground that, there are eye witnesses to the incident and also offence punishable under Section 201 of the Indian Penal Code is registered. He would then urge that, the applicant his history-sheeter.

5. Perused the chargesheet which is filed the present matter.

6. The chargesheet speaks of eye witnesses to the incident in question and there are two blows of cement brick given by the applicant which appears to be cause of death.

7. In my opinion, there is prima facie case against the present applicant about involvement in serious crime for the offence punishable under Section 302 of Indian Penal Code. The offence punishable under Section 201 of Indian Penal Code is also registered.

8. In this background, the application fails, same stands rejected.

[N.W. SAMBRE, J.]