

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 221 of 2017

Laxmi Dayal Jangade, S/o. Dhan Sai, Aged About 38 Years, R/o. Village-
Chhata, Police Station- Lalpur, Tahsil & District- Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Office, Police Station-
Lalpur, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31/01/2017

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 in connection with Crime No.159/2016 registered at Police Station- Lalpur, District Mungeli (C.G.) for the offence punishable under Section 302 & 201 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.09.2016 the deceased Prahlad @ Raja had stolen Rs.500/- from his father's pocket i.e. applicant, therefore, being enraged, the applicant searching for him and when found killed him and thereafter took the body to the field and thrown acid to his face and hide the Club which was used to commit murder in the pit of the field and subsequently a missing report was made by him.
3. Learned counsel for the applicant would submit that there is no eye-witness in this case. The deceased was seen in the company of Lakhkhu, Bittu, Jageshwar, Falit etc. and they had killed his son and subsequently the applicant was arrested on the false pretext.

He further submits that on 18.09.2016 also one of the witness has stated that the deceased was alive, therefore, allegation on the applicant is clamping on the basis of false evidence; consequently, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The memorandum statement of the applicant as also the statement of Lakhkhu, which corroborates the fact that the applicant chased his son and thereafter the dead body was found. The club was also recovered at the instance of the applicant from the pit, therefore, taking into such evidence, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge