

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 494 of 2017

- Kanhaiyya Sahu S/o Late Chhedilal Sahu Aged About 36 Years R/o Village Devkirari, Police Station Bilha, District Bilaspur, Chhattisgarh.
--- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Y.C. Sharma, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 489/2015 registered at Police Station Nandghat, Distt. Bemetara (C.G) for the offence punishable under Sections 302, 201, 120-B, 364 of IPC.
2. As per the prosecution case, the dead body of Amarjit was found in the month of November 2015 in a burnt condition. Subsequently it was revealed that the applicant along-with other co-accused committed murder of Amarjit on the ground that he was in relations with the niece of the applicant namely Sarita. When the deceased was going to Belha Railway station, the applicant and other accused forcibly took him to the place of incident where they enquired whether he wanted to marry Sarita and when the deceased has refused to marry, he was eliminated by the present applicant and other co-accused.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and except the memorandum statement on the basis of which recovery of motorcycle which belonged to the applicant was made, no other evidence is available against the present applicant, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the memorandum as also the statement of Mukesh Dhruv which shows that the deceased was last seen together. Considering such statement of Mukesh Dhruv, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**