

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 968 of 2017**

1. Devnidhi Narwaas son of Shri Narendra Singh Narwaas, aged 27 years, Caste Gond.
2. Phoolchand son of Maniram, aged 26 years.

Both residents of village Partapur, Tahsil Pakhanjur, District North Bastar Kanker (Chhattisgarh) Civil & Revenue District North Bastar, Kanker.

----Applicant

Versus

State of Chhattisgarh, Through the Police Station Durgukondal, District North Bastar, Kanker.

---- Non-Applicant

For Applicant : Shri Sandeep Shrivastava, Advocate.
 For Respondent/State : Shri Ashish Shukla, Government Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/03/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 24 of 2013, registered at Police Station Durgukondal, District North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 302, 201, 120(B) and Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 17.10.2013 and 18.10.2013, the present applicant alongwith other co-accused committed murder of deceased Sanjeet Kumar by strangulation and thereby the applicant committed the aforesaid offence.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they have not committed any

offence. There is no evidence to connect the present applicants with the crime in question. They are in jail since 25.05.2014 and 15.05.2014 respectively. Therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit at on the basis of the memorandum statement of the applicants, one helmet, diary and one single page of a register was recovered. There is sufficient material available on record to connect the present applicants with the crime in question, therefore, they are not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of the offence and the material collected by the prosecution including the memorandum statement of the present applicants and the manner in which the aforesaid offence is said to have been committed, I am of the opinion that this is not a fit case where the applicants should be enlarged on bail. Further, the bail application of the co-accused namely Praten Patra has already been rejected by a coordinate Bench vide order dated 06.04.2015 in M.Cr.C. No. 1106 of 2015.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to conclude the trial expeditiously.
8. Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge