

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2117 of 2017

1. Jagdish Barman S/o Chhabil Barman, Aged About 34 Years, R/o Girdharikanpa, Police Station Kunda, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant – None.

For Non-applicant/State – Shri Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-04-2017

1. The applicant is not represented when the matter is taken up for hearing. With this, the matter is perused for disposal of the instant MCRC.
2. As per the petition, the applicant is arrested in connection with Crime No.58/2016 by Kunda police, Distt. Kabirdham, C.G. on 20-12-2016. Police after investigation filed charge sheet against the present applicant and co-accused Ramkaresh @ Bagga Chaturvidani which is pending as Sessions Trial No.05/17 before the Sessions Judge Kabirdham, C.G. In the petition it is submitted that on 27-04-2016 FIR was lodged under Section 326 of the IPC on the basis of a hospital memo as the injured Lakshmi Prasad Kurrey was assaulted by knife and admitted in the hospital. The said injured was died on 16-05-2016. The statements of witnesses were recorded in the month of September, 2016 and in the month of December, 2016 disclosure statements of the accused persons were recorded. There is no any admissible evidence against the present applicant and on the basis of memorandum statement, the present accused is arrested, hence, there are every possibility that the applicant may ultimately be acquitted, therefore, he may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the grounds taken in the petition and would submit that there are material collected by Kunda police which shows the active involvement of the present applicant for committing murder of Lakshmi Prasad Kurrey as he was holding the said victim and another co-accused assaulted by knife.

4. Perused the entire material.

5. On due consideration, on the basis of strength of the evidence collected against the present applicant and the matter is of murder of one Lakshmi Prasad Kurrey, I am not inclined to release the applicant on bail. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE