

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6217 of 2017

1. Nandlal Yadav @ Gudda, S/o. Kaliram, Aged About 45 Years.
2. Gopal Yadav, S/o. Kaliram, Aged About 42 Years.
3. Santosh Yadav, S/o. Kaliram, Aged About 38 Years.

All R/o. Village Tendumundi, Police Station Bilaigarh, District Balod Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Police Station Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.11.2017

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.248/2017 registered at Police Station- Bilaigarh, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 302/34 of Indian Penal Code.
2. As per the prosecution case, on 16.06.2017 one Radhelal Patel was beaten by the present applicant over a dispute over vegetable garden and consequently because of beating he died.
3. Learned counsel for the applicant submits that there is no eye-witness to the incident and the report which was made by Tirathlal, he himself was accused and in order to pass-on the liability, the present applicants have been named since it is not possible to assault all 1 to 6 injuries on head by three persons to the

deceased which becomes highly improbable and the accused Tirathlal has also one criminal antecedents to his credit. It is further submitted that Nandlal Patel, Ramu Patel and Gendram who told immediately contradicting statement of Tirathlal about the extra judicial confession; consequently, false averments have been made. Therefore, the applicants may kindly be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Tirathlal Patel which shows that extra judicial confession was made. Considering the statement and postmortem report, 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