

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8611 of 2016

1. Ramesh Netam, S/o. Budhram Netam, aged about 29 years, R/o. Village- Chaurgaon, P.S. - Kodekursi, District – North Bastar Kanker (C.G.).
2. Mahesh Kumar Nareti, S/o. Koderam, aged about 20 years, R/o. Village – Kalangpuri, Chowki Kachhe, P.S. - Bhanupratappur, District – North Bastar Kanker (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station – Kanker, District – Kanker (C.G.).

---- Respondent

For Applicants : Mr. Arun Kochar, Advocate

For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.106/2016 registered at Police Station- Kanker, District – Kanker (C.G.) for the offence punishable under Section 302, 201, 364, 120(B)/34 of Indian Penal Code.
2. As per the prosecution case, on 05.04.2016 dead body of Aleshwari Kashyap was found near wall fall. On 10.03.2016 a missing report was lodged by Mahesh Kashyap, father of the deceased that his daughter was missing from 22.02.2016. It is alleged that Raghunath, one of the co-accused person has performed marriage with deceased Aleshwari Kashyap in the month of November, 2013 and thereafter he wanted to marry another girl and the deceased was objecting the same, therefore,

Raghunath along with Ramesh, Mahesh and Smt. Kiran Kothari conspired to eliminate Aleshwari Kashyap and she was taken near water fall and she was killed and was buried.

3. Learned counsel for the applicants would submit that as per Section 25 and 26 of Evidence Act, the confession made to the police is not admissible and confession made to the police has no evidentiary value as the false allegations have been levelled, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard the learned counsel appearing for the parties.
6. Perused the case diary, document as also the memorandum statement of Ramesh Netam, wherein it was stated that after killing Aleshwari Kashyap, they buried the dead body. Subsequently, as would reveal that on his memorandum, the dead body of the deceased Aleshwari was exhumed after removing the sand near water fall. Taking into such fact and the recovery of the dead body, which was buried and was recovered at the instance of the applicant – Ramesh Netam and the contents of the memorandum statement of Ramesh Kumar Netam, murder has been attributed to other accused also. Taking into such fact, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge