

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 229 of 2017**

Chhotelal Khairwar, S/o. Samhan Singh, Aged About 20 Years, R/o. Village- Beljhiriya, Kansbahra, Police Station- Marwahi, District- Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through- S.H.O. Police Station- Marwahi, District- Bilaspur, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Lakhan Lal Mahilang, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**30/01/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.143/2016 registered at Police Station- Marwahi, District Bilaspur (C.G.) for the offence punishable under Section 302, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant committed murder of his father-in-law Makhan on 06.09.2016 by way of a Club. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the complainant Geeta Bai had made a report on 08.09.2016 and initially in the report, name of the applicant was not disclosed but subsequently when the statements were being recorded, name of the present applicant, who is son-in-law of the deceased, was

disclosed, therefore, the applicant has been falsely implicated and, as such, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The case diary contains the statement of Ram Rati, Indraniya and Shukla Prasad who has seen the incident. Considering the statement of the eye-witness, at this stage, the other arguments cannot be appreciated during the bail, therefore, 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