

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1752 of 2017

Kamla Prasad @ Pappu, aged about 36 years, S/o. Late Nathulal, R/o. Village Pasouri, Thana Kelhari, District – Koriya (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Police Station – Kelhari, District – Koriya (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/03/2017

1. This is the second 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.2/2016, registered at Police Station – Kelhari, District – Koriya (C.G.) for the offence punishable under Section 302, 201, 120B and 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a missing report of Mukesh was made on 02.11.2015 by his father, Nand Kumar. Subsequently his dead body was found and the incident alleged to have been occurred in between the period of 29.10.2015 to 02.11.2015. It is the case of the prosecution that Ramlal has caused death of Mukesh by way of screw driver on his neck with the help of Ashok, Madhuri and Pappu, the present applicant.
3. Learned counsel for the applicant submits that Nandkumar has been examined and he has not supported the case of the prosecution and

out of 19 witnesses, four witnesses have been examined, therefore, the counsel prays that the applicant may be enlarged on bail as the case was only based on extra judicial confession.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Nandlal. Perusal of the statement of Nandlal would show that detailed cross-examination has been made and at certain paras statements are shaky, which is to be appreciated by the trial Court along with other evidence. By only picking few lines of examination-in-chief, it would not be proper for this Court to give a finding as it would affect the trial. Taking into such fact, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge