NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5365 of 2017

- Ramsai Yadav S/o Shri Dukalu Yadav, Aged About 26 Years R/o Kureli, Ward No. 08, P. S. Belha, District Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through S H O, Chowki Lawan, P. S. Kasdol, District Baloda Bazar (Chhattisgarh).

---- Respondent

For Applicant : Shri Achyut Tiwari, Advocate
For Respondent-State : Shri Anupam Dubey, Dy. GA for the State

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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/09/2017

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.148/2017 registered at Police Station- Chowki-Lawan, P.S.-Kasdol, District Baloda-Bazar (C.G.) for the offence punishable under Sections 460, 307 & 302 of the IPC.

2. As per the case of the prosecution on 05.04.2017 the applicant, who was in love relation with the daughter of the deceased Bhuwan Singh Dhruv, entered into his house and assaulted the deceased Bhuwan on his head by way of a hammer, whereby he died. It is alleged that before the incident happened, the deceased Bhuwan had seen the applicant along with his daughter and he

make the applicant run away. Consequently, the applicant committed murder of the deceased.

3. Learned counsel for the applicant would submit that there is no eye witness to this incident and only on the basis of the memorandum statement, the applicant has been inculpated. He further submits that there are two memorandum statements and only apprehension was made by the wife of the deceased Satwantin Bai, therefore, the applicant is falsely implicated, therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the bail application.

5. Perused the case-diary and the memorandum statements. It appears, on the basis of the memorandum statement a shirt and also a pant was seized from the applicant, which were having blood stains. Considering the same, I am not inclined to allow this bail application. It is accordingly, dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu