

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 646 OF 2018

Budhram, aged about 60 years, son of late Devsai Panika R/o Madanpur, Police Station, Ramanujganj, Distt. Surajpur (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Ramanujnagar, Distt. Surajpur (CG)

... Respondent

For Applicant	:	Shri Pushpendra Patel, Advocate.
For Respondent-State	:	Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/03/2018

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 28.06.2017 in connection with Crime No.118 of 2017 registered at Police Station, Ramanujnagar (Srinagar), Surajpur, for the offence punishable under Sections 302, 201 and 34 IPC.
2. The allegation as per prosecution is that, the present applicant is said to have killed his son Mithudas on 02.06.2017 by assaulting with club on the neck and head of the deceased. Subsequently, the present applicant along with one co-accused Radheshyam tied the hand and waist of the dead-body with a stone and threw the body into a Well. Further, with an intention that body may not be seen by passer-by, the appellant is said to have thrown some leaves a few and branches cut from of nearby trees over the body of the deceased.
3. The contention of the appellant is that, there is no evidence against the applicant and he has been falsely implicated in the case. The

present applicant being the father of the deceased could not have killed his own son. Further, in addition to the memorandum statement, there does not appear to be any other material available with the prosecution for establishing the offence against the applicant. It was further contended that even the recovery which have been made by the prosecution would not lead to inference that it was the present applicant who had committed the offence. Further, it is only circumstantial evidence which is available in the case diary with which the charges against the applicant could not be established.

4. The State counsel, on the contrary, opposing the application submits that the present applicant was the only person available in the house on the date of incident and in the very next morning when the son of deceased come to the home, he had found the applicant in company with the co-accused Radheshyam. When he asked whereabouts his father, the applicant told that he had gone out somewhere. Later, the son and wife of the deceased also make a statement that the present applicant in the morning had informed them that the deceased had come home early in the morning and after taking some articles from the house he had again left the house. These are materials which gives strong circumstantial links pointing that the deceased was killed by the present applicant.
5. Further contention of the prosecution is that the applicant was having illicit relationship with the wife of the deceased which led to fight and quarrel in the family frequently. The son of the deceased produced a rope from the house for lifting the body from the Well.

This rope was a similar same rope by which the hand and waist of the deceased was tied which further leads to draw an inference that the applicant had used the rope which was available in the house for tying to body of the deceased and throwing him into the Well. Thus, prayed for rejection of the bail application.

6. Given the facts and circumstances of the case and taking into consideration the circumstantial evidence collected in the course of investigation and also keeping in view the statements of son and wife of the deceased, this court is of the opinion that this is not a fit case to grant bail to the applicant at this juncture.
7. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge