NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 810 of 2018

Leelaram S/o Samme Lal Chandra Aged About 42 Years R/o Village Kachanda, P. S. Jaijaipur District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P. S. Jaijaipur District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hari Agrawal, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

02.07.2018

Heard.

1. This is the first 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. 170 of 2016, registered at Police Station Jaijaipur, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.9.2016 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The witnesses who have been examined before the trial Court have turned hostile. Hence, under these circumstances, it is

prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant alongwith co-accused person had murdered his own mother. Hence, for this reason, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on account of some dispute regarding property, the applicant alongwith co-accused person murdered his mother and while they were trying to dispose of the dead body of the deceased, they were caught hold by the police. Hence, this case.

6. The statements of the witnesses before the trial Court that are being relied upon by counsel for the applicant shall not be appreciated by this Court because that is within the jurisdiction of the trial Court to appreciate and give finding about the truthfulness falsity of the evidence given by the witnesses. Considering the circumstances of the case, I do not find that any case is made out in favour of the applicant for grant of regular bail to him.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi