

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 1112 of 2018

Wahid Khan S/o Late Shri Anwar Khan Aged About 51 Years R/o Lalpur, P.S. & Tahsil Bagbehra, District-Mahasamund, (C.G.).

---Petitioner

Versus

State of Chhattisgarh through Station House Officer, P.S. Bagbehra, District, Mahasamund, Chhattisgarh.

--- Respondent

16.04.2018	Mr. Ishan Verma, counsel for the applicant. Mr. Suryakant Mishra, Panel Lawyer, for the State. This is first bail application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.198/2017 registered at Police station Bagbahra, Distt. Mahasamund (C.G) for the offence punishable under Section 302 and 34 of IPC. As per the prosecution case on 06.09.2017 one Benidhar had gone to attend some meeting, subsequently he did not return and thereafter his dead body was found. During the investigation, it was revealed that the present applicant along with other accused has committed the offence on business rivalry whereby the offence has been committed. Learned counsel for the applicant submits that only on the basis of memorandum statements, the applicant has been arrested and there is no evidence against the present applicant and only on presumption, the applicant has been roped in. He further submits

that even the blood stained shirt which was seized do not contain the human blood. Therefore, there is no evidence against the applicant to connect him with the present crime.

Per contra learned State counsel opposes the bail application.

Perused the case documents, the memorandum statements of present applicant Wahid Khan, Rajesh Rajput, Mohd. Shakeel, the proceeding of recovery made from one of co-accused i.e., Rajesh Rajput and the statements of Bharat Rajput, Rajkumar Mahanand wherein confessional statement is made.

Considering the statements of the said witnesses and following the ratio laid down in *AIR (2001) SC 1699 Muralidharan Vs. State of Kerala*, at this stage, for the purpose of bail, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE