

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1795 of 2018

Kamal Sai @ Khukhadu S/o Shri Budhan Nagvanshi Aged About 23 Years
R/o Gram Khadadorana, Sikariyapara, Thana Sitapur Distt. Surguja
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sitapur Distt. Surguja
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri A.D. Shrivastava, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/04/2018

Heard.

1. The applicant has been arrested in connection with Crime No.198 of 2017 registered at Police Station- Sitapur, District Surguja (CG) for the alleged commission of offence under Section 376(2) (ढ), 302, 201, 376 क, 376 (2)(ड) of IPC and Section 5(ढ) / 6 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution is that the applicant committed murder of the victim a minor.
3. Learned counsel for the applicant would submit that he has been involved in the case only on the basis of suspicion because witnesses have said that the applicant had an affair with the deceased. He would submit that a sickle alleged to have been used by the applicant in murdering the victim is said to be recovered at the instance of the applicant, which does not, by itself, sufficient to involve the applicant in the commission of offence. As there is no eyewitness nor any other strong circumstance to connect the applicant, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the bail application by submitting that the circumstances against the applicant are that the applicant had an affair with the deceased, the sickle alleged to be used in the commission of offence, was recovered at the instance of the applicant on his memorandum and the sickle has presently been sent for report of FSL. Therefore, at this stage, when the allegation is of commission of heinous offence where the applicant has alleged not only the murder but also torn the private parts of the prosecutrix by use of a weapon, therefore, he may not be granted bail.
5. Taking into consideration the nature of allegation and the heinous crime alleged, at this stage, I am not inclined to grant bail to the applicant. The bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge