

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2890 of 2018

- Virendra Kumar Koshale S/o Shri Budhram Koshale, Aged About 48 Years, R/o- Village- Dhansuli, Post- Nardaha, Police Station Vidhansabha Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri K.K. Dixit, Advocates.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-01-2018 in connection with Crime No.15/2018 registered at P.S. - Khallari, District- Mahasamund, Chhattisgarh for the offence under Section 302, 201, 120B, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 24-01-2018. There is no evidence against this applicant to implicate him in commission of this offence, the only reason for which he has been made accused is that he and the deceased both took leave at the same time. It is also submitted that at the most offence under Section 201 of the IPC is made out against this applicant. Hence, for these reasons, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is ample evidence in this case against this applicant for

his prosecution and looking to the heinous offence committed in this case, the applicant is not entitled for grant of bail.

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

5. A dead body of unknown person was found on 21-01-2018 under the jurisdiction of P.S. Khallari. Merg intimation was recorded and the deceased was identified as Jagdish Minj S/o Julias Minj. Statement has been given on memorandum by the co-accused persons that a conspiracy was hatched for giving human sacrifice, in which, this applicant was a party, as a result of which the deceased was done to death. Statements of the witnesses have been recorded, in which it has been stated that this applicant was party to the rituals with one Manharan Goswami for finding out some treasure and the deceased also was interested in that and as a result the deceased has died homicidal death in the performance of said rituals.

6. After considering on the material present in the case diary and looking to this fact that the offence committed is of heinous nature, I do not feel inclined to grant bail to this applicant. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge