

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3924 of 2018**

- Yudhisthira Pandey, S/o. Late Ved Prakash, Aged about 60 years, R/o. Village Bawali, PS Pathariya Distt. Mungeli (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pathariya Distt. Mungeli, Chhattisgarh

---- Respondent

For Applicant	: Shri Dharendra Pandey, Advocate
For respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****20.7.2018**

1. This is the First bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 16.01.2018 in connection with Crime No.577/2018, registered at Police Station Pathariya, District-Mungeli (CG) for the offence punishable under Sections 302, 201, 212 read with Section 34 of the Indian Penal Code.

2. As per the case of the prosecution, present applicant along with co-accused persons committed murder of one Raju @ Mishrilal.

3. Learned counsel for the applicant submits that there is no evidence to connect the present applicant with the commission of alleged murder and at the most it may be a case under Section 201 IPC, therefore the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that considering the statement recorded under Section 161 CrPC, there is prima facie case against the applicant and looking to the gravity of offence, he is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. As per the statement recorded under Section 161 CrPC, partially burnt dead body of the deceased was found in a well situated at the kitchen garden of the applicant and further blood stains were found in the house of the applicant and burning smell of kerosene was also assessed during investigation.

7. In the facts and circumstances of the case, it is not a fit case to grant bail to the applicant.

8. Accordingly, the application filed under Section 439 of the CrPC is rejected.

Sd/-

(Ram Prasanna Sharma)

JUDGE