

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7061 of 2018**

- Boond Das Mahant S/o Shri Raghudas Mahant Aged About 19 Years R/o- Village Tendubhantha, P.S. Gharghoda, District- Raigarh, CG

---- Applicant**Versus**

- State of Chhattisgarh through- P.S. Chhal, Gharghoda, District- Raigarh, CG

---- Respondent

For applicant	Ms. Madhunisha Singh, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22-11-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 73/2018 registered in police station Chhal, Distt. Raigarh (CG) for offence punishable under Section 302, 201 read with Section 34, IPC.
3. Perused the case diary.
4. Prosecution story in brief is that deceased Jaggu alias Jageshwar was a resident of village Tenda. On 4-6-2018 at about 7 – 8 pm, deceased had gone along with the applicant who is his cousin brother. Next day, in the morning, the applicant returned back but the deceased did not. On 8-6-2018 dead body of the deceased was found under the culvert near Manjhi Dera. As per his post mortem, death of the deceased was homicidal in nature, cause of death was cardiac respiratory arrest due to hemorrhagic shock as a result of head injury. On the memo of applicant one club containing blood like stains was seized from him.

5. Counsel for the applicant argued that there is no allegation of assault against the applicant, there is no RFSL report that allegedly blood stains were found in the seized club. He submits that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary against him.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge