

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7559 of 2017

- Kanwal Singh Devhari @ Guddu S/o Late Jhaduram Devhari, Aged About 39 Years, R/o Borgaon, Police Station Daundi, District Balod, Chhattisgarh. Presently R/o Primary School; Panchagi, Police Station Badgaon, District Kanker, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Daundi, District Balod, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Amiyakant Tiwari, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 16-07-2017 in connection with Crime No.31/2017 registered at P.S. Daundi, District Balod, Chhattisgarh for the offence under Section 302, 201 of the IPC.
2. It is submitted on behalf of the applicant, that the applicant is innocent and he has been falsely implicated in this case, only on the basis of call details of his mobile which is not a substantive piece of evidence against him. Further, some of the witnesses have been examined before the trial Court and they have turned hostile by not supporting the case of the prosecution. No case is made out against the applicant. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant has admitted commission of offence in his memorandum statement. The record of the call details clearly shows that the applicant was constantly in contact with the deceased on her mobile phone on the date of incident and further, on the basis of memorandum statement of this applicant certain articles have been recovered and seized which shows the applicant's exclusive knowledge of the place where the articles were found and recovered. Articles have been identified as belonging to the deceased. It is also submitted that in the postmortem examination there is clear report that the death of the deceased was homicidal. Hence, the applicant is not entitled for grant of bail.

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

5. As the case is, deceased Kumari Kanchan aged about 18 years left her house on 10-07-2017 and did not return. A decomposed dead body was found on 14-07-2017 in Chitwa Dogari. After identification of the dead body as that of the deceased and after inquest procedure, the FIR was lodged against this applicant. At the instance of this applicant, some articles of make-up and clothes were recovered regarding which the witnesses have stated that these were the things which the deceased carried with her when she was last seen by them.

6. Considered on the submissions made and contents of the case diary.

7. Considering the material available against this applicant in the case diary, I am of this view that the applicant does not deserve to be granted regular bail in the present matter.

8. Consequently, the application (MCRC No.7559/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge