

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 31-1-2019****Delivered on 4-2-2019****MCRC No. 236 of 2019**

1. Virendra @ Biran Korwa S/o Deenaram Korwa Aged About 35 Years
2. Sandeep Ram S/o Pichharu Ram Aged About 28 Years
3. Gahnu Ram S/o Badu Ram Aged About 27 Years (Wrongly Mentioned As Ladu Ram)

All are by caste Pahadi Korwa R/o Chulhapani, police Station Narayanpur, district Jashpur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, police Station Narayanpur District Jashpur Chhattisgarh

---- Respondent

For applicants Mr. Harish Khuntia, Adv.
 For non-applicant/State Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**CAV ORDER**

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 19/2018 registered in police station Narayanpur, distt. Jashpur (CG) for offence punishable under Section 302, 449, 120-B of the IPC and Section 4 and 5 of Tonhi Pratadna Adhiniyam.
3. Prosecution story in brief is that on 31-3-2018, dead body of the deceased Virsobai was found in her house at village Kudmura, Chulhapani. Injuries were present on her body. During investigation it was found that applicants had told some witnesses not to go to police station otherwise there would be post mortem of deceased, wrongly persuaded them and got buried the dead body. They also made extra judicial confession

before some witnesses. On the memorandum of applicant Birendra alias Biran one blood like stained knife was seized from him.

4. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated. He further argued that alleged witnesses of extra judicial confession have turned hostile in the trial Court. There is no RFSL report on record. Hence they be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicants in the police case diary.
6. Though, the witnesses of alleged extra judicial confession have been turned hostile but looking to the other facts, and circumstances of the case, looking to the other evidence available on record and the seriousness of the offence, and the impact of granting bail to the applicants, this Court is not inclined to grant bail to the applicants.
7. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge