

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 655 of 2019**

Gopal Singh, S/o Shri Jagdhari Singh, aged about 30 years, R/o Village School Para and Loharpara, Choughada, Police Station and Tahsil Manendragarh, District Korea (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Manendragarh, District Korea (CG). **---- Non-applicant**

For Applicant	: Mr. Anil Gulati, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.149/2018 registered in Police Station Manendragarh, District Korea for the offence punishable under Sections 302, 201, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 14.05.2018 at about 5:00 a.m. at near the railway overbridge, Manendragarh deceased Jagdish was found in injured condition. When it was asked to him who has beaten him, then he replied that co-accused Ajay Singh and others, thereafter he succumbed on the spot. On the memorandum of the applicant, one club of Ipomoea camea (Beshram shrub) was seized from him on one end of which blood like stains were present.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE