

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1208 of 2019**

Manoj Kumar Yadav S/o Shri Sagun Singh Aged About 37 Years R/o
 Kuajati, Police Station- Ratanpur, Tahsil- Kota, District- Bilaspur,
 Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Kota, District- Bilaspur,
 Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pawan Shrivastava, Advocate
For the State	:	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/03/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.516/2018 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 302, 201 of IPC.
3. Case of the prosecution, in brief is that on 27/09/2018 at about 7.30 a.m. the dead body of deceased Sunita Porte was found on Railway Track between Salka Road and Belgahna.
4. During the investigation it was found that deceased had told some witnesses on 26/09/2018 that she has to go along with applicant at village Kekradih. On the memorandum of applicant one ladies purse containing Voter ID of deceased, her Debit Card, her Aadhar Card, her and children photographs were seized from him.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

7. Counsel for the applicant further submitted that deceased was continuously in contact through mobile with witness Himanshu Tiwari. He drew my attention on some paragraphs of true copy of statements of PW-2 Budhram and PW-3 Ramsingh.
8. PW-2 Budhram and PW-Ramsingh are not the witnesses of alleged memorandum and seizure. Moreover, the Investigating Officer has to be examined in the case.
9. Looking to the facts and circumstances of the case, looking to the evidence available against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde