

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1174 of 2019

- Dilip Yadav S/o Shri Ramphal Yadav Aged About 35 Years R/o Chilhati, Police Station- Sarkanda, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Sarkanda, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri K. Dewangan, Advocate.

For Non-applicant : Shri V. Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board08.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 862/2018 registered at Police Station – Sarkanda, Civil And Revenue District- Bilaspur, (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 17.10.2018 at about 13:45 hours, behind the chicken shop of Ramjan at village Chilhati applicant caused injuries on head, neck of deceased Rajesh Kashyap. Due to injuries deceased Rajesh Kashyap died.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that the material witnesses PW2 Kallu Yadav, PW5 Sita Ram turned hostile in the trial Court. He drew my attention on the certified copy of the statement of PW2 Kallu Yadav, PW5 Sita Ram which are part of the bail petition.
7. In the case in hand PW7 Smt. Shyama Bai has been also examined by the trial Court, certified copy of her statement is part of the bail petition. PW7 Smt. Shyama Bai did not turn hostile and stated against the applicant.
8. On the memorandum of applicant, 1 vest, 1 towel, 1 chopper having blood like stains were seized from him.
9. Looking to the facts and circumstances of the case, looking to the evidence available on record against applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE