

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2076 of 2019**

- Ishwar Prasad Dhuri S/o Chamaru Dhuri Aged About 42 Years R/o Village- Kotmisonar, Chhote Ameri, Police Station- Akaltara, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Akaltara, Civil And Revenue District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant : Shri Ravi Maheshwari, Advocate.
 For Non-applicant : Ms. S. Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

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. 332/2018 registered at Police Station – Akaltara District – Janjgir Champa (C.G.) for the offence punishable under Sections 302, 201 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 14.11.2018 at about 9 am Netram Kewat saw in the house of the deceased Santosh @ Baiga that he was unconscious and deceased Jeewan was vomiting. Deceased Santosh @ Baiga told Netram that Deepak Sahu had given him liquor and vegetable for consuming. After sometime deceased Jeewan Ram and Santosh @ Baiga died. Applicant made extra judicial confession that he had mixed in said vegetable and liquor Borex to kill Tikaram Sahu, the son of Tikaram Sahu namely Deepak had given it to deceased Santosh @ Baiga. On the memorandum of applicant some substance like Borex was seized from him.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he further submitted that in the interrogatory regarding viscera examination it has been mentioned that from the mouth of the deceased there were no smell of liquor or pesticides, the witnesses of extra judicial confession are also witnesses of memorandum and seizure, thus he may 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. Looking to the facts and circumstances of the case, looking to the prima facie evidence available on record against the 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE