

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3680 of 2019**

Gopal Sahu S/o Pitambar Sahu Aged About 28 Years R/o Ranpota,
Thana- Hasoda, District- Janjgir- Champa, CG ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Sarangarh, District- Raigarh, CG ---- **Respondent**

For applicant Mr. N.K. Malviya, Adv.
For non-applicant/State Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**20-6-2019**

1. The applicant has been arrested in connection with Crime No. 61/2018 registered in police station Sarangarh, distt. Raigarh (CG) for offence punishable under Section 302, 201, 120-B, 34 of the IPC.
2. Prosecution story in brief is that on 31-1-2018, dead body of deceased Tengnu Yadav was found in the field of one Lalsai of village Parsapali. As per post mortem report, cause of death was asphyxia due to strangulation. During investigation it was found that witnesses Chhatram Sahu and Dhola Patel had seen the applicant and co-accused Komlal Sahu in the company of the deceased on 30-1-2018 at about 7.00 pm in the Dhaba of Chhatram Sahu.
3. Counsel for the applicant argued that in the statements of Chhatram Sahu and Dhola Patel recorded under Section 164 of the Cr.P.C. they had stated that they do not know as to who were two other persons along with the deceased. Thus he may be released on bail.
4. What would be the effect of aforesaid statements of Chhatram Sahu and Dhola Patel recorded under Section 164, Cr.P.C., it will be examined by the trial Court after conclusion of trial. At this stage this Court cannot scrutinize evidence.
5. Looking to the above mentioned facts and circumstances of the case, gravity of offence, and the material available on record against the applicant, the application is rejected

Sd/-
(Sharad Kumar Gupta)
Judge