

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4547 of 2019**

Deepak Kumar @ Manjhla, S/o Radheshyam Sahu, Aged About 20 Years, R/o Tolga Ksharpara, Police Station Khadgawan, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Khadgawan, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant.	:	Shri Pushkar Sinha, Advocate.
For Respondent.	:	Shri Somyakant Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/08/2019**

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 19.03.2019 in connection with Crime No.51/2019 registered at Police Station : Khadgawan (C.G.) for the offence punishable under Section 302, 201, 34 of the IPC and Section 3(2)(5) of SC & ST Prevention of Atrocities Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He further submitted that there is no memorandum statement of the present applicant and there is no direct evidence against the present

applicant as the main allegation is against the other co-accused. No case is made out against him under Section 302, 201, 34 of the IPC and Section 3(2)(5) of SC & ST Prevention of Atrocities Act.

3. Learned counsel for the State opposed the bail application and submits that there are several witnesses in this case. As per the postmortem report, deceased died due to asphyxia on account of strangulation, therefore, looking to the above, Applicant should not be enlarged on bail.
4. I have heard learned counsel for the parties and perused the case diary.
5. The allegation against the present applicant is that on the date of incident, the applicant and deceased due to previous enmity engaged in some quarrel, wherein the applicant and other co-accused assaulted the deceased with hand, fist and strangulated him to death. Thereafter, the dead body was thrown in the pond. Postmortem report disclosed that deceased died due to asphyxia on account of strangulation.
6. After considering all the facts and circumstances of the case and looking to the entire material present in the case diary, I do not feel inclined to allow this application.
7. Consequently, the application filed by the Applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-
(Rajani Dubey)
Judge