

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5208 of 2019

Gainduram, S/o. Poturam Kamar, Aged About 40 Years, Resident Of Akalwara, P.S. Chhura, District- Gariyabandh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Chhura, District - Gariyabandh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.P. Sahu, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/11/2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.39/2018, registered at Police Station – Chhura, District – Gariyaband (C.G.) for the offence punishable under Section 302, 201, 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 16.04.2019 in M.Cr.C. No. 2320/2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no eye-witness against the applicant and apart from that the applicant is in jail since 15.12.2018 and the trial against him is still not completed. Therefore, it is prayed that during the pendency of trial, this applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is circumstantial evidence present against the applicant regarding commission of offence of murder and also this applicant has admitted his guilt in the memorandum statement under Section 27 of the Evidence Act. Therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, dead body of the deceased Horilal was found in the pond regarding which morgue intimation was given by his father Shankar Lal Nishad. In the inquest procedure, the doctor conducting postmortem, reported that the death of the deceased is homicidal, thereafter investigation has been made and the evidence has been collected to show that this applicant and the deceased were last seen together and the applicant has also confessed his guilt in the memorandum statement given to the police.
6. Considered on the submissions made and the contents of the case diary. Admissibility of evidence is matter of trial, for the present this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge