

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1459 of 2018**

Amar Das Manikpuri, S/o. Shri Dashrath Das Manikpuri, Aged About 39 Years, R/o. Modipara, Police Station and Tahsil Baikunthpur, District - Koriya, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station Khadgawa, District - Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/01/2019**

1. Apprehending arrest in connection with Crime No.89/2018, registered at Police Station – Khadgawa, District – Korea (C.G.) for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. There is only one statement of co-accused made under Section 27 of the Evidence Act against this applicant, which is not legally admissible evidence and the charge-sheet has been filed

showing this applicant absconding. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is a case of murder in which this applicant was also participant, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case on the date of incident, this applicant and other two accused persons jointly assaulted the deceased Shreeram with spade and clubs and caused his death.
6. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case, it appears that there may be requirement of custodial interrogation for recovery of articles from this applicant in additional investigation, hence for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge