

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9527 of 2018

- Mohabbat Chanap S/o Chandan Singh Aged About 32 Years R/o Village- Bhumka, Police Station- Badedongar, Tahsil- Farasgaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Badedongar, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant	: Shri P.K. Tulsyan, Advocate.
For Non-applicant	: Shri S. Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

11.01.2019

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. 7/2018 registered at Police Station – Badedongar, District- Kondagaon (C.G.) for the offence punishable under Sections 306 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the deceased Kamleshwar was aged about 20 years. He was resident of village Bhumka. He was nephew of applicant. In the night of 03.08.2018 applicant had scolded and abused deceased on account of sale of some paddy. As a result in the intervening night of 03/04-08-2018 deceased committed suicide by hanging himself.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted that earlier no witnesses had stated any thing against applicant in the statement recorded under section 161 Cr.P.C. There is no dying declaration. Merg intimation was lodged by Ashok Kumar Chanap who had given the affidavit in support of the bail application of the applicant.
7. Looking to the facts and circumstances of the case, 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE