

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 592 of 2020

- Gopal Yadu S/o Shri Bhagela Yadu Aged About 40 Years R/o Village Panchayat Budera, Police Station Kharora, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kharora, District- Raipur Chhattisgarh.

---- Respondent

For Applicant/s	:	Shri Punit Ruparel, Advocate
For State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/08/2020

1. Heard on application for grant of bail.
2. The applicant has been arrested on 08.08.2019, on the allegation of having committed offence under Section 302 of Indian Penal Code. He moved this application for grant of bail in connection with Crime No.322/2019 registered at Police Station- Kharora, District- Raipur, (C.G.)
3. Prosecution allegation is that the applicant assaulted and killed the deceased namely Parvati.
4. Learned counsel for the applicant argues that the applicant is falsely

2.

implicated and all the witnesses of the prosecution are false and concocted. He submitted that out of five named eye witnesses, three have already been examined and they have not supported case of the prosecution. The other two so-called eye witnesses, namely Mongiya and Gayatri, in their diary statement have only stated regarding quarrel but have not claimed to have seen the incident. He further submits that these witnesses, though, have not been examined till date, they have given affidavit to support the case of the accused and against the prosecution, therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that diary statement of the Mongiya Yadav and Gayatri shows that they were witnesses to the incident of *Marpit* between Gopal Yadu and Parvati and parvati's death is a homicidal death and two other eye witnesses have not been examined till now.
6. Having considered the submission made by learned counsel for the parties, taking into consideration, that two eye witnesses of the incident namely Mongiya and Gayatri have not so far been examined, and that affidavit cannot be looked into, in the case of allegation of commission of grievous offence like murder, present is not a fit case for grant of bail. The application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge