

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 670 of 2020

- Tulsi Patel @ Motu Patel S/o Akadashiya Patel Aged About 27 Years R/o Kanwara Para, Champa, District Janjgir - Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Champa, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant	: Smt. Indira Tripathi, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/03/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 191/2019 registered at police station Champa, district Janjgir-Champa (CG) for the offence punishable under Section 302 IPC.

As per prosecution case, report was lodged by the mother of the deceased Nankuniya alleging that on the date of incident at about 3.00 p.m. applicant insisted and took the deceased along with him to his house and thereafter his dead body was seen in the courtyard.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She submits that the applicant had only

taken the deceased with him to show his house and the prosecution witnesses PW-1 and 2 namely Ramki Bai @ Bhalbhalhin and Brihaspati Bai have not supported the prosecution case. She submits that the applicant is in jail since 23.05.2019; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact that the deceased was last seen with the applicant and thereafter he was found dead in the courtyard of his house, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge