

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3819 of 2020**

- Rajesh Vishwakarma, S/o Arjun Vishwakarma, aged about 35 years, R/o Annapara, Police Station Ramchandrapur, District Balrampur – Ramanujganj (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station Ramchandrapur, District Balrampur-Ramanujganj (CG)

---- Non-Applicant

For Applicant : Shri Awadh Tripathi, Advocate.

For Non-Applicant : Shri K.K. Singh, Govt. Advocate.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****20/08/2020 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.10/2020, registered at Police Station Ramchandrapur, District Balrampur-Ramanujganj for offences under Sections 449, 302 and 201/34 of the IPC.
2. The applicant along with co-accused Ramjeev and Sanjay have committed murder of deceased Phool Kunwar on 29.2.2020. The incident has been witnessed by one Indrawati, who happens to be *Soutan* of deceased Phool Kunwar. In her case diary statement recorded on 8.3.2020, she has narrated the whole incident and stated that she had disclosed the incident to the Kotwar on 1.3.2020 and thereafter to

witnesses Motilal and Ramu Singh on 6.3.2020.

3. It is argued that Indrawati is not a reliable witness as she kept quiet for about 8 days. Therefore, in view of the judgments of the Hon'ble Supreme Court in the matters of **Vijaybhai Bhanabhai Patel Vs. Navnitbhai Nathubhai Patel and Others** {(2004) 10 SCC 583} and **Marudanal Augusti Vs. State of Kerala** {(1980) 4 SCC 425}, the applicant is entitled to be released on bail.
4. The judgments rendered by the Hon'ble Supreme Court are not relating to issue of grant of bail. Those cases were decided after trial. In the case at hand, the witness explains that she has disclosed the incident on the very next day i.e. on 1.3.2020 to the village Kotwar and to other witnesses on 6.3.2020. Village Kotwar Jaikaran Ram in his diary statement informs that Indrawati had informed him on 2.3.2020. Witness Ramu Singh has also informed the police that when he and Motilal had gone to the house of Indrawati on 6.3.2020, they were informed by Indrawati about the incident. Thus eyewitness Indrawati's explanation about delay in informing the police finds corroboration from the statement of Village Kotwar Jaikaran Ram, Ramu Singh Pando and Motilal.
5. Considering the material on record, this Court is not inclined to release the applicant on bail. Accordingly, the application is rejected.

Sd/-
Judge
(Prashant Kumar Mishra)