

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3950 of 2020**

- Upendra Verma @ Uppu S/o Ganga Ram Verma Aged About 18 Years 6 Months, Caste Lodhi, Resident Of Aurda, Police Station Ghumka, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ghumka, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/09/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.132/2018 registered at Police Station- Ghumka, District- Rajnandgaon, C.G. for the offence under Sections 302, 201 & 34 of IPC.
2. Prosecution case is that the applicant, the nephew of the deceased, assaulted the deceased with the help of 'Musal' because of she having multiple illicit relations with different persons and it is alleged that on the date of incident, he murdered the deceased.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case because when so-called eyewitness Shalini, daughter of the deceased lodged the FIR instantaneously after the death, she did not name the applicant and stated that some unknown person murdered her mother and it is only after few days on 03.10.2018 she gave supplementary diary statement, now alleging involvement of the applicant and she has stated in her Court evidence regarding involvement of the applicant. It is next submitted that there is no clinching circumstantial evidence to involve

the applicant in alleged commission of offence and seizure of a 'Musal' (long pestle) is a common item and there is nothing to show that it was used in commission of offence. It is also argued that seizure of ornaments as described in the FIR, were not put to identification by the informant, who stated regarding missing jewellery from the dead body of her mother. Therefore, it is argued that present case is only based on suspicion and nothing more.

4. On the other hand, learned State Counsel opposes and submits that keeping aside the Court evidence of Shalini, who has claimed to be eyewitness of the case, the applicant was immediately arrested after the incident and on the basis of his memorandum 'Musal' alleged to be used in giving assault was recovered from the place indicated in the memorandum and even the jewellery which were described in the FIR by the Shalini-informant, were also seized from the possession of the applicant on 10.09.2018, itself. He would further submit that presence of as many as 19 injuries also shows that the murderer had developed hatred towards the deceased and that is what has been stated by the applicant in the memorandum that he hated his aunt because of she having developed illicit relations with different persons and thus completely destroying many families.
5. Having considered the submissions of learned counsel for the parties, particularly taking into consideration the material on record regarding seizure of 'Musal', ornaments and large number of injuries found on the body of the deceased, so also the prosecution case based on the statement of Shalini, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge