

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3920 of 2020**

- Mahendra Nishad S/o Bahalram Nishad Aged About 24 Years R/o Village Gataparkala, Police Station And Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rakesh Pandey, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

1. The applicant has been arrested in connection with Crime No.383/2019 registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 302 of IPC.

2. Prosecution case is that the applicant murdered his own father Bahalram by using pick-axe and sharp edged appliances resulting in multiple incised wounds of about 17 to 18 in numbers.

3. Learned counsel for the applicant submits that the applicant is involved only on suspicion and nobody has seen the incident. He argues that the prosecution has not come out with any strong motive as to why the applicant would kill his own father. The applicant is deaf and dumb and therefore, the prosecution story of applicant confessing his guilt before his mother and sister by gesturing, is extremely doubtful.

4. On the other hand, learned State counsel submits that in the brutal murder of Bahalram, the applicant is being involved on the basis that none other than his

mother – Meena, has stated in diary statement that when she and her daughter – Jyoti went out of the house, they left behind the deceased and the applicant, the father and son alone in the house and when they came back, they found the dead body and the applicant and upon being enquired, he, by gesturing, confessed that he killed his father. The aforesaid statement of the mother is supported by her daughter also, applicant's own sister Jyoti.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration the statement of Meena and Jyoti, extra judicial confession of the applicant, dead body was found in his own house and that according to Meena, when she and Jyoti left the house, the applicant and the deceased was alone in the house, present is not a fit case for grant of bail. The application is, accordingly, rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge