

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4122 of 2020**

- Mahatma Yadav S/o Jungly Yadav Aged About 33 Years R/o Village Hariharpur, Ramchanderpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- Ramchanderpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Amarnath Pandey, Advocate
For State	:	Shri Alok Bakshi, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.07/2020 registered at Police Station – Ramchanderpur, District – Balrampur - Ramanujganj (C.G.) for alleged commission of offences under Section 302 IPC.
2. Case of the prosecution is that the applicant killed his father by running the vehicle over him.
3. Learned counsel for the applicant would argue that the prosecution story is highly improbable, false and afterthought. He would argue that the incident is said to have happened on 21/02/2020 but no report was lodged and the applicant and other family members took his father for treatment to Ranchi where he remained admitted for number of days until he died. It was only when he died after many days, a false story was made out and a report was lodged that it is the applicant who killed his father. He would further submit that his sister and brother-in-law are trying to grab the entire property after death of his father and therefore, a false report has been lodged. The fact that despite his father had remained admitted for many days in the hospital, no dying declaration was recorded clearly show that on the date of incident, no members of his family including so called eye

witness ever told anybody whether it be a police, doctor or any other authority nor lodged any report anywhere that the applicant killed his father. Had it been done, definitely, the dying declaration would have been recorded. Therefore, the entire case of the prosecution is a false implication. Referring to the affidavit of his own mother filed along with the bail application, he further argues that his mother has clearly supported him stating that the injury was sustained by her husband because of the accident with the vehicle. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel submits that none other than applicant's own family members including his sister, brother-in-law and one niece, all have stated that they are the eye witness of the incident and it is the applicant who, out of anger, killed his father by running the vehicle over him. He would submit that the medical report also supports the prosecution case.

5. Taking into consideration that the prosecution case is based on the eye witness account of none other than the applicant's sister, brother-in-law and one niece, present is not a fit case for grant of bail. The application is accordingly rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge