

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4439 of 2020

- Nitesh Kujur, S/o Barna Kujur Aged About 19 Years R/o Karcha Chhavaripara, Thana Chando, District-Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Chando, District-Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akath K. Yadav, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/11/2020

1. This is second bail application of this applicant. His first bail application MCRC No.4370/2019 was dismissed as withdrawn on 27.8.2019 with liberty to revive the same after examination of prosecutrix.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.39/2018 registered at Police-Station-Chando, District-Balrampur, Ramanujganj (C.G.) for the offence punishable under Section 302 of IPC.
3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He has not committed any offence of murder. The morgue as well as lodging of FIR in this case is delayed. There is no eyewitness of the incident. The

case is based only on the memorandum statement given by the applicant himself. This is not admissible under law. The other circumstance at present is this, that the some of the material witnesses have been examined, who have clearly not made any statement against this applicant. The applicant is in jail since about 2 years, hence, it is prayed that he may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the case against the applicant is based on circumstantial evidence. There is evidence of motive present and also there are witnesses present who have to be examined to prove the circumstances against this applicant, therefore, only for the reason that some of the witnesses have been examined it cannot be said that the applicant is entitled for grant of regular bail, hence, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant had some dispute with the deceased. Subsequent which, when the deceased had been to the jungle for grazing of her goats the applicant followed her and then caused her death by strangling her. After discovery of the body, the morgue was registered and after morgue inquiry, the FIR was registered against the applicant.
7. After considering on the submissions and the facts and other circumstances present, I am of this view that this is not a fit case for grant of regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha