

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4593 of 2020**

- Khelawan, S/o Tekram, Aged about 18 years, Caste- Sahu, R/o Village Chimra, PS Kawardha, District Kabirdham (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through: District Magistrate, Kabirdham, District Kabirdham (C.G.)

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.
For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/09/2020**

1. The accused/applicant has moved this third bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 269/2019 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code, 1860.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses by this Court on 08.11.2019 in MCRC No. 4620/2019 and second bail application of the applicant was dismissed as withdrawn with a direction to the trial Court to conclude the trial expeditiously by this Court on 04.02.2020 in MCRC No. 8249/2019.
3. As per the prosecution case is in brief that the present applicant along with other co-accused committed an offence by taking the deceased Sunil at Bakhari Pat forest where the present applicant and other co-accused assaulted on head of the deceased by stone and thereafter to disappear the evidence, hide the body of

the deceased by stones. The police registered the said offence and investigation was initiated. During the course of investigation, the police recorded memorandum statement of the co-accused persons and on the basis of that, the present applicant has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the present applicant has been implicated only on the basis of memorandum of co-accused person but no corroborative evidence has been collected by the prosecution against the present applicant and he also submits that the memorandum statement has been recorded of the applicant but no any seizure was made. He next submits that the applicant is in jail since 11.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the present applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge