

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4725 of 2020

Ravindra Yadav @ Bheem Yadav S/o Ramprasad Yadav Aged About 27
Years R/o Village Nare Thana Barda, District Aajamgarh, U.P ---- **Applicant**

Versus

State Of Chhattisgarh Through District Officer, Durg District Durg
Chhattisgarh Through Police Station Purani Bhilai, District Durg
Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Vikash Pandey, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/10/2020

Heard.

1. The applicant has been arrested in connection with Crime No.59 of 2020 registered at Police Station- Purani Bhilai, District Durg (CG) for the alleged commission of offence under Section 302 of IPC.
2. Prosecution case is that the applicant killed the deceased after an episode of quarrel between them.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated on the allegation of murder whereas at the most present would be a case of commission of offence under Section 304 IPC without there being any intention on the part of the applicant to kill the deceased. He would submit that there is no eyewitness and only because on the same day, the applicant and deceased had entered into some quarrel, it cannot be said that it is the applicant who killed the deceased and the entire case of the prosecution is built up on the basis of the memorandum of the applicant without there being any eyewitness. He would further submit that postmortem report is also not clear that the deceased died because of any accident with the vehicle.
4. On the other hand, learned counsel for the State opposes the prayer and

submits that the diary statement show that the applicant and the deceased both were employed by common employer as drivers for transportation of goods and at the place of incident, the applicant and deceased came together and they also consumed liquor and thereafter they entered into a quarrel and then deceased was found dead due to injury. He would submit that on the basis of memorandum of the applicant, wallet of the deceased with cash of Rs.7000/- and the key of the vehicle which was entrusted with the deceased was also found.

5. Taking into consideration the material available on record, particularly keeping in view the diary statement of quarrel between the applicant and deceased that they had come together in two different vehicles in the course of transportation, consumed liquor, entered into quarrel and thereafter the deceased died due to head injury and that the belongings of the deceased were seized from the possession of the applicant on the basis of his memorandum, present is not a fit case for grant of bail. The bail application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge