

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4713 of 2020

- Kedar Nishad, son of late Shri Narottam aged about 26 years, resident of Panchsheel Nagar, Ward No.1, Near Shiv Mandir, Tahsil and District Durg (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Pulgaon, District Durg (CG)

---- Respondent

 For Applicant : Shri Purnendra Khichariya, Advocate
 For Respondent/State : Shri Rahul Jha, G.A.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

14.09.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 150/2019, registered at Police Station Pulgaon, District Durg(CG) for the offence punishable under Section 302/34 of the IPC.
3. Case of the prosecution is that an unknown person informed the Sub-inspector of Police Station, Pulgaon that a dead body is lying near Community Building of village Mohlai. On the basis of said information, the police reached to the spot and recovered the dead body and photographs of the dead body were uploaded through whatsapp, on the basis of which, one Ratnam son of B. Paulu identified the dead body as his brother B. Bhaskar. Based on this, offence has been registered against

unknown persons and after investigation the applicant and other co-accused persons were arrested.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that there is no eye-witness to the incident and the dead body was found in an open place. He further submits that other co-accused persons have been released on bail by this Court in MCRC No. 6239/2019 and 6975/2019, therefore, the applicant may also be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has assaulted the deceased with knife and brick on his head due to which the deceased has died. He further submits that the applicant is a habitual offender and there are 25 more cases registered against him.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the fact that there are main allegations against the present applicant and 25 more cases are registered against him, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/
(Rajani Dubey)
JUDGE