NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6502 of 2020

- Anuj Kumar Uike S/o Shri Gyansingh Uike, Aged About 23 Years R/o Village Kurrubhat, Police Station Mangchuwa, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Mangchuwa, District - Balod Chhattisgarh

---- Respondent

For Applicant : Shri H.A.P.S. Bhatia, Advocate

For Respondent/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri

Order

15/12/2020

1. Heard.

2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25.08.2019 in connection with Crime No. 35/2019 registered at Police Station Mangchuwa, District Balod (CG) for the offence punishable under Section 302 IPC.

3. As per the prosecution case, on 25.08.2019 the deceased Thakur Ram Mandavi came to the house of the applicant for performing Jhad-Phunk (which-craft). Subsequently, after having dinner while he was sleeping in the veranda he was found to be assaulted on his head which resulted into his death.

4. Learned counsel for the applicant submits that there is no eye witness of the incident and only in the circumstantial evidence the applicant has been arrested, therefore, the applicant may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Considering the place of death of the deceased and it was homicidal in nature, at this stage I am not inclined to release the applicant on bail.

7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu