

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6906 of 2020**

Pradeep Das S/o Hemanto, Aged About 28 Years Caste Gosai, R/o Village Babusajbahar, Police Station Tumla District Jashpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Tumla, District Jashpur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Sanjeev Kumar Sahu, Advocate

For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****14.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 30.06.2020 in connection with Crime No.21 of 2020 registered at Police Station Tumla, District Jashpur, Chhattisgarh for commission of the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on morning of 22.06.2020 one Khirod Manjhi could not wake up. His wife pushed him and found that Khirod Manjhi died. This was intimated and based upon which, merg was lodged by one Sharda Manjhi. Upon postmortem of the dead body, the

cause of death has been shown on account of head injury throttling and nature of death has been mentioned as homicidal. Memorandum statement of Amita Manjhi was recorded, who in her statement admitted her guilt and also named the present applicant to be the co-accused in commission of murder of Khirod Manjhi.

3. Shri Sanjeev Kumar Sahu, learned counsel for the applicant submits that the time of incident has been shown in the morning of 22.06.2020. No incriminating article has been seized from the possession of the applicant and no memorandum statement has been recorded. He further submits that applicant was not present on the spot and he has been falsely implicated in the case. He is in custody since 30.06.2020, the charge sheet has already been filed, hence, prayed that applicant may be enlarged on regular bail.
4. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that the incident took place in the house of Amita Manjhi, whose memorandum statement was recorded and she has stated the name of present applicant to be one of the co-accused. He also submits that in statement recorded by the Police under Section 161 of Cr.P.C. of Ku. Anu Manjhi, she has stated that in the night at about 8.00 PM, present applicant was present in the house where the dead body of Khirod

Manjhi was found. She further stated that till Anu Manjhi went to sleep, present applicant was there in the house along with co-accused Amita Manjhi and watching television.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration overall facts and circumstances of the case, particularly taking into account the place of incident i.e. house of Amita Manjhi and her memorandum statement as well as statement of Ku. Anu Manjhi, I am not inclined to release applicant on regular bail.
7. Accordingly, the application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge