

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7007 of 2020**

1. Dharmendra Nishad, S/o Shri Arjun Nishad, Aged About 21 Years.
2. Dilip Singh Netam, S/o Shri Prahlad Netam, Aged About 30 Years.

Both are R/o Village- Vyas Kongera, Thana- Kanker, District- North Baster Kanker (C.G.) **---- Applicants**

Versus

The State of Chhattisgarh, Through The Station House Officer, Police Station- Kanker, District- North Baster Kanker (C.G.) **---- Respondent**

For Applicant : Mr. Sunil Sahu, Advocate.

For Respondent/State : Mr. Sameer Sharma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 167/2020, registered at Police Station – Kanker, District – North Baster Kanker (C.G.) for the offence punishable under Section 302, 201/34 of the I.P.C.
2. Learned counsel for the applicant submits that the applicants are in jail since 13.06.2020 and have been falsely implicated in this case. No case is made out against them. There is no eyewitness against these applicants. They have been roped in as accused only on the statement of co-accused given on memorandum under Section 27 of the Evidence Act, therefore, it is prayed that

these applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the case against these applicants is based on circumstantial evidence, which shall be brought in the trial. The applicants have fully participated in the commission of offence of murder, therefore, the applicants are not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the co-accused, who was mother of the deceased, has given statement on memorandum that her daughter, the deceased, was murdered by these applicants by strangulating and by hitting on her head by club and then, to conceal the evidence of offence, the deceased was hanged from a tree. The case has been investigated and charge-sheet has been filed.
6. Considered on the submissions and also the facts present in the case diary. This Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge