

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7205 of 2020

Santosh Diwan S/o Shri Harilal Diwan, Caste -Kanwar, Aged About 42 Years
 R/o. Village - Kanekera, Police Station and Tehsil - Mahasamund, District -
 Mahasamund (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through, Police Station - Mahasamund, District -
 Mahasamund (Chhattisgarh).

--- Respondents

For Applicant	: Mr. Surfaraj Khan, Advocate.
For Respondent-state	: Mr. Vikram Sharma, Dy.GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

16/12/2020

1. This is 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 in connection with Crime No.69/2020, registered at Police Station – Mahasamund, District – Mahasamund, (C.G), for the offence under Sections 302 & 201 of the Indian Penal Code.
2. Case of the prosecution is that daughter of present applicant went out from the house on 31.01.2020 and did not return till morning of 01.02.2020. It came to know to the family members that their daughter is lying dead under the cross bridge of water canal. Incident was reported to concerned police station based upon which merg was registered. During the course of investigation, statement of Harilal Diwan -father of applicant was recorded. On the basis of statements of Harilal Diwan, Dihi Bai Diwan -wife of applicant and Chowa Ram, present applicant was arrested on 15.02.2020.
3. Learned counsel for the applicant submits that there is absolutely no material to connect present applicant in the instant crime. He submits that dead body of deceased was found lying under the cross-bridge of water canal in morning on

01.02.20020. The murder of deceased was in the intervening night of 31.01.2020 to 01.02.2020 and at that time, present applicant was in his house along-with other family members. He further submits that clothes and other articles seized from the possession of applicant were sent for FSL report, does not mention about blood stains over the articles seized from his possession. He prays that applicant may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that based on the statements of Harilal Diwan, Dihi Bai Diwan, Chowaram Diwan and Uttam Kumar Nishad, the applicant has been taken into custody and enquired about the incident, memorandum statement was recorded in which he admitted the guilt. He further points out that wife of applicant in her statement mentions that she informed him about the status of daughter that she did not return house till 11 PM in the night, but applicant has not made any effort to search her but for making an attempt to call on mobile and went to sleep. This unnatural conduct of applicant shows his involvement in crime. As per memorandum statement and statement of wife of applicant, the involvement of applicant is apparent. He also submits that he is not in possession of the FSL report, therefore, he is not able to make any submission with regard to that report.
5. Heard learned counsel for both the parties.
6. Considering over all the facts and circumstances of the case, particularly the statements of Harilal Diwan, Dihi Bai and Chowaram Diwan, I am not inclined to allow the bail application of applicant.
7. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-