

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 209 of 2021**

- Dev Kumar Yadav @ Lalu son of Dileshwar Yadav, aged about 21 years, resident of village Uparghincha, Police Station, Farsabahar, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Farsabahar, District Jashpur (C.G.)

---- Respondent

For Applicant : Shri J.K. Saxena, Advocate.
For Respondent. : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/05/2021**

Proceeding through video conferencing.

1. The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 23.09.2020 in connection with Crime No.34/2020 registered at Police Station : Farsabahar, District Jashpur (C.G.) for the offence punishable under Section 302 IPC.
2. The prosecution story, in brief, is that on 21.09.2020, informant Mitro Bhanu Patre gave information to police that a dead body of unknown person is lying below canal of village Barhabad. Based on this, merg intimation was recorded. During the course of merg inquiry, the dead body was identified to be that of Shivprasad @ Chhotu, s/o Jonhar Sai Paikra, and during the investigation, memorandum statement of the present applicant was recorded, based on which he has been arrested in the crime in question. The present applicant is in custody since 23.09.2020.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that only on the memorandum statement the present applicant has been arrested. He also submits that the applicant and deceased both were going to their respective houses, the deceased had consumed much liquor as a result of which he fell down and sustained injuries. He further submits that the applicant is in jail since 23.09.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
4. On the other hand, State counsel opposing the bail application submits that on the memorandum statement of the applicant, one stone has been seized, and according to the postmortem report, the death of deceased is homicidal in nature. She also submits that there is last seen evidence of Purnima Bai, Manju Bai and & Usha Yadav who have categorically stated that they have seen the present applicant and deceased going together and on the next day the dead body of deceased was found near the canal of village.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, gravity of offence and further considering the quality of evidence, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Vacation Judge