

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 972 of 2021

- Devchandra Dhankar, S/o Nemuram Dhankar, Aged About 22 Years, R/o Village Anjani, Police Station Kanker, District Kanker Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Kanker, District- Kanker, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Mr. Mukesh Shrivastava, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

19.03.2021

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 on 06.07.2020 in connection with Crime No.183/2020, at Police Station-Kanker, District-Kanker (C.G.) for the offence punishable under Section 302 & 201 of IPC.
2. Case of the prosecution, in brief, is that on 27.1.2020 Bhagirathi, father of deceased Bharti Yadav, lodged a missing report of his daughter in the police station stating that his daughter went out of the house but did not return back. On 5.6.2020 complainant Bhagirathi again visited the police station and informed that as per his knowledge, his missing daughter has performed marriage with Devchand Dhankar. In the course of search of his daughter, complainant Bhagirathi contacted accused Devchand Dhankar and enquired about his daughter, but he gave evasive replies which created doubt in his mind and he informed the police. On the basis of this information, the police arrested Devchand

Dhankar and interrogated him. He disclosed that he committed murder of Bharti Yadav and thereafter buried her body under the sand near the bank of river Turi with the help of co-accused Thanwar Singh Yadav. Memorandum statement of accused Devchand Dhankar was recorded and on the basis of disclosure statement made by him, skeleton and articles belonging to deceased Bharti Yadav were recovered from the river.

3. Learned counsel for the applicant submits that the allegation, against the applicant is false and fabricated, he further submits that there is no eyewitness in this case, iron rod was recovered after two months from the open field not from the possession of the applicant. The co-accused person namely Thanwar Singh Yadav has already been granted bail by the co-ordinate Bench of this Court vide order dated 15.12.2020 in MCRC No. 7042 of 2020. The present applicant is in jail since 06.07.2020, the applicant/accused has no criminal antecedents, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that during inquiry on the missing report lodged by the father of the deceased, it was found that the present applicant had doubt on character of the deceased, he was arrested and he admitted in his memorandum commission of murder of the deceased with the help of co-accused Thanwar Singh Yadav by assaulting her with rod and concealing the dead body in Turi river. On the said information of the accused the applicant information, skeleton as well as certain articles i.e. bangles, clothes etc were recovered which were subsequently identified to be of the deceased. As per Post- Mortem report the cause of death was coma due to injury to face on the right side of the head as also fracture of the skull. Therefore, the applicant is not entitled for grant of bail.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation,

memorandum statement of the applicant, the fact that deceased was wife of the present applicant, he had doubt on character of the deceased, when the deceased was missing he did not lodge any missing report in police station, as per post-mortem report of the skeleton cause of the death of the deceased was head injury and nature was homicidal, looking to the injury on the body of the deceased, seizure of weapon rod and recovery of the articles belonging to the deceased from the place where deceased was buried, at the instance of the applicant, considering the fact that case of the co-accused is distinguishable from that of the present applicant, I am not inclined to grant bail to the present applicant.

6. Accordingly, the application is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge

Nadim