

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1845 of 2021**

- Sandeep Kumar Chaudhary S/o Dauram Aged About 22 Years Cast-Chaudhary, R/o Village Karkai, Police Station- Pendra, District- Pendra, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through- The District Magistrate, Janjgir, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Shri K. Kalamkar, Advocate

For Respondents/State : Shri Aditya Bhardwaj, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****05/07/2021**

1. Heard.
2. This is the 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 on 08.09.2020 in connection with Crime No.243/2020 registered at Police Station P.S. Champa, District Janjgir-Champa, (CG) for the offence punishable under Section 302 of the IPC.
3. As per the prosecution case, the applicant on 07.09.2020 has strangled one girl and she was said to be the girlfriend of the applicant. Thereafter, the

applicant informed the said incident to his friend and thereafter simultaneously the matter was reported to the police. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that no direct evidence is present against the applicant. He would further submit that only on the basis of the mobile number that the applicant made the call to his friend, he has been inculpated and no CDR or mobile location has been found to prove the fact that whether such call was made by the applicant or not? In fact the mobile of the applicant has been misused, therefore, the applicant may be released on bail.
5. Per contra, learned State read out the statement of Pramod Kumar Patel, to whom the confession was made and opposes the prayer for grant of bail.
6. Considering, the statement of Pramod Kumar Patel and the facts & circumstances and the evidence available, I am not inclined to release the applicant on bail.
7. Accordingly, the application is rejected.

Sd/-

Goutam Bhaduri
Judge

Ashu