

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2261 of 2021

- Ajeet Mandal S/o Late Nimai Mandal, Aged About 35 Years R/o Village P.V.71, Pakhanjur, P.S. Pratapur, District North Bastar Kanker Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Partapur, District North Bastar Kanker Chhattisgarh,

---- Respondent

For Applicant	—	Mr. Mukesh Shrivastava, Advocate
For State	-	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2021

1. This is the first bail application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 11/2020 registered in Police Station Partapur Distt. North Bastar Kanker (C.G.) for offence punishable under Sections 302 & 201 of Indian Penal Code.

2. As per the prosecution case, on 24.09.2020, the dead body of Nimai Mandal was found in the Kotari river. The allegation is that the applicant, who is the son, along with his father went to the river to catch fish, where some dispute took place between them and the father was killed by the present applicant by way of a rod as the dead body was having injury on his forehead and face.

3. Learned counsel for the applicant submits that only on the basis of the presumption, the applicant has been arrested. The rod which was seized from the applicant, the FSL do not corroborate the fact that it contained the blood, therefore the applicant may be enlarged on bail.

3. Per contra, learned State counsel opposes the argument and submits that the applicant made a confession before Govind Dhani and others that he has killed his father, therefore it would be an extra-judicial confession.

5. Considering the statement of Govind Dhani wherein extra-judicial confession has

been made, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. stands rejected.

6. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Vishakha