

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2428 of 2021**

- Manoj Kumar Banjare S/o Khikram Banjare Aged About 32 Years R/o Village- Dumuhani, Police Station- Bhilaigarh, District- Balodabazar- Bhatapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station-Bhilaigarh, District- Balodabazar, Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Shri Hemant Gupta, Advocate

For Respondent/State : Shri Sidhdharth Dubey, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****30/06/2021**

1. Heard.
2. This is the Second 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 09.08.2020 in connection with Crime No.159/2020 registered at Police Station Bhilaigarh, District Balodabazar-Bhatapara (CG) for the offence punishable under Section 302 of IPC.
3. The First Bail Application bearing MCRC No.6540 of 2020 was dismissed for want of prosecution on 05.02.2021.

4. As per the prosecution case, over a property dispute the applicant assaulted his father namely Khikram Banjare whereby he died. Thereby the offence has been committed.
5. Learned counsel for the applicant submits that there is no eye witness to the incident and the Dehatinalisi and FIR would show that the complainant has stated that the applicant was not present and some unknown person was present whereas the brother has turned the eye witness before the Court. He would therefore submit that it is a case of no evidence and on the false pretext the applicant has been inculpated, therefore, the applicant may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Perused the statement of Dilip Kumar Banjare, who is said to be behind the closed doors while the assault was made to the father thereafter his door was also locked, has deposed against the applicant. Considering, the cross-examination I do not want to enter into the merits of the case while hearing the bail application and it is left open for the trial Court to appreciate all the facts along with circumstantial evidence. Taking into such statement, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu