

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4849 of 2021

1. Kamal Ram Kashyap S/o Ajman Singh, Aged About 25 Years R/o Village Atkariras, Police Station Gadiras, Tahsil Sukma, District Sukma (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Gadiras, District Sukma (C.G.).

---- Non-Applicant

For Applicant : Mr. Praveen K. Dhurandhar, Advocate.
For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29/07/2021

- 1) The matter is heard through video conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 29/04/2018 in connection with Crime No. 04/2018, registered at Police Station Gadiras, District Sukma (C.G.) for the offence punishable under Sections 302, 34 of Indian Penal Code.
- 3) As per the prosecution case, the wife of the deceased namely Smt. Surajbati lodged a report to the effect that on 31/10/2018 her husband Devchand Kashyap (deceased) had gone with the applicant in night at 11 PM and on the next day his dead body was found. Hence, on report being lodged by the complainant, the applicant has been arrested by the Police.
- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case

merely on the basis of suspicion. He submits that the applicant is in jail since 29/04/2018, charge sheet has been filed, there is no apprehension of his absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation made against the present applicant and the gravity of the offence, number of witnesses have already been examined before the trial Court, the trial is in progress, the evidence of the witnesses cannot be appreciated at this stage by this Court, the trial is likely to be concluded in near future, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant