

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4911 of 2021

- Jagdeesh Toppo, S/o Bhakuram Toppo, Aged About 50 Years, Profession Farmer, R/o Village Tolma, Police Station and Tehsil Lailunga, District- Raigarh, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Lailunga, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Manoj Paranjpe and Shri Vivek Mishra,
Advocates

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

24.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 23.04.2021 in connection with Crime No.106/2021 registered at Police Station- Lailunga, District- Raigarh (C.G.) for the offence punishable under Sections- 302, 201, 34 of IPC.
- 2) Allegation against the applicant is that he brutally assaulted his daughter namely Ailin Toppo and killed her by strangulating her neck and hid her dead body in the bush of agricultural field on 23.03.2021. The co-accused persons who are mother and sister of the deceased with intention to cause disappearance of the evidence of crime they applied cow-dung on the blood stains.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that the applicant has no criminal antecedents, there is no likelihood of him tampering with the prosecution evidence or absconding. The applicant is in jail since 23.04.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State vehemently opposes the bail application and submits that the death of the deceased was homicidal. The applicant committed murder of the deceased and caused disappearance of the evidence of the crime.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the evidence of last seen of the applicant with the deceased, extra judicial confession by the co-accused, death of the deceased is homicidal, statement of one eye witness and looking to the material available on record, without commenting anything on merits of the case, the application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim