

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 4935 of 2021

Chintamani @ Chintu Patel S/o Shri Heeralal Patel Aged About 20 Years
R/o Village Kesarpur, Police Station Basna, District Mahasamund
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Basna,
District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Shikhar Sharma, Advocate

For Non-applicant : Shri B.P. Banjare, Dy. Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

03/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he been arrested in connection with Crime No.85/2021 registered at Police Station- Basna, District- Mahasamund (C.G.) for the offence punishable under Section 302 of IPC.
2. Case of the prosecution is that on 24.2.2021 at about 9:00 p.m., applicant took deceased -Raimoti Patel to the field of one Dolchand Patel stating false fact that some person is committing theft. When she accompanied the applicant and reached on the place stated to her, applicant tried to disrobe her, upon which she resisted. The

applicant assaulted her, due to which, she fell down and thereafter applicant has thrown stones and bricks on her face and head. She screamed, upon which, Balkunwar Patel (co-sister) reached on the spot to whom deceased narrated the fact and incident of assault by the applicant. Even when husband of the deceased – Bhushitlal Patel reached on spot, deceased narrated the incident to him also. When she was being taken to hospital, she died and the doctor declared brought dead. Morgue was reported to the police station, based upon which, aforementioned crime was registered and applicant was arrested.

3. Shri Shikhar Sharma, learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. There is no connecting piece of evidence to involve the applicant in the instant crime. Homicidal death of late Raimoti is in open field/area and there is no eyewitness to the incident. Hence, the applicant may be released on bail.
4. Shri B.P. Banjare, learned counsel for the State opposes the submissions of learned counsel for the applicant and would submit that when applicant made an attempt to disrobe deceased, she shouted, upon which, Balkunwar reached to the place from where she heard shout, found deceased lying on the ground bleeding. Upon asking, deceased narrated entire facts. Even when the husband reached on the spot, she narrated facts to him also. Hence there is prima facie material available in the case diary to connect the applicant in the instant crime. Hence, the applicant is not entitled to grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case nature of allegations, manner in which the offences is alleged to have committed, statements of Bhushit, Balkunwar, I do not find present to be a fit case for grant of bail.
7. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen