

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 5389 of 2021**

- Navin Kashyap son of Ramdayal Kashyap, aged about 28 years, resident of Shanti Nagar, Balgi, Tahsil-Katghora, District Korba, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO, police station Bankimongra, District Korba, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Roshan Dubey, Advocate
For Non-applicant/ State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge*(proceedings through video conferencing)***ORDER****03/08/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 41/2020 registered at Police Station Bankimongra, District Korba (C.G.) for the offence punishable under Sections 302, 34 of IPC.
2. Case of the prosecution, in brief– on 30.03.2020, upon getting intimation by the police of police station Bankimongra that deceased Jaypal is lying dead near SECL Balgi barrier, police reached the spot and seized the body. It is found that some unknown person caused grievous injuries over the head of deceased Jaypal by means of club. Based on which, offence under Section 302 IPC was registered against unknown person(s). During the course of investigation, on the basis of memorandum statement of present applicant and a child,

in conflict with law, Santosh Kanwar, they were arrested.

3. Mr. Roshan Dubey, learned counsel for the applicant submits that this is second bail application; earlier first bail application was dismissed with liberty to file afresh after examination of material witnesses. The seizure witnesses namely Parmeshwar Sarthi and Deepak Kenwat have been examined. They have not supported the case of prosecution, hence, there is no any other material to connect the present applicant in the instant crime.
4. Mr. Shrikant Kaushik, learned State counsel, opposes the submission made by learned counsel for the applicant and submits that witnesses have accepted their signature in the memorandum statement and the witness no. 6 by name Parmeshwar Sarthi has only stated that he is not aware as to what articles have been seized from the possession of applicant. He further contended that there are 10 criminal antecedents of the applicant including one under Section 302 IPC, hence, he is not entitled for grant of bail.
5. I have learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled, the evidence placed on record, as also the criminal antecedents of the applicant, I do not find it a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge