

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6366 of 2021

Devraj Sahu @ Golu S/o Shri Bishambhar Sahu Aged About 19 Years
R/o At Ward No. 09, Mamlipara Chhura, District - Gariyaband,
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Chhura, District - Gariyaband,
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant : Shri Vinay Nagdev, Advocate.

For Non-applicant : Shri Gurudev I. Sharan, Govt. Advocate

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

ORDER

01/11/2021

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. 2/2021 registered at Police Station- Chhura, District Gariyaband (C.G.) for the offence punishable under Sections 302, 201/34 of IPC.
2. Case of the prosecution is that deceased- Jaiprakash Agrawal was missing from 29.12.2020 till 3.1.2021. During search, one of the resident Madhu Baghel saw dead body of Jaiprakash Agrawal lying in bush near field owned by one Khorbahara Satnami. The morgue was intimated to concerned police station by Bhuvneshwar, brother of deceased. Based on morgue intimation, aforementioned FIR was registered against unknown persons for

commission of offence under Sections 302, 201 of IPC. During course of investigation, applicant and another co-accused were interrogated and based on their memorandum, they were arrested in the aforementioned crime.

3. Shri Vinay Nagdev, learned counsel for the applicant would submit that there is no material to connect the applicant in the instant crime. He has been falsely implicated. He submits that the applicant was interrogated only on the basis of identification by sniffer dog squad which cannot be the full proof evidence to connect the applicant in the instant crime. Seizure of incriminating articles like mobile phone, motorcycle and key of the motorcycle are not from possession of present applicant. Hence, applicant may be enlarge on regular bail.
4. Learned counsel for the State, opposing the submissions made by learned counsel for the applicant, would submit that the applicant was seen in the house of the deceased lastly in night on 29.12.2021. Children of the deceased and the co-accused, when they returned after celebrating birthday, saw applicant in their house along with the co-accused and at that time, their father was sleeping in another room. Based on approach of sniffer dog squad, the applicant was interrogated and in his memorandum, has admitted the guilt and at his instance, mobile phone, motorcycle, key of motorcycle were recovered. Hence, there is prima facie involvement of the applicant in the instant crime and he is not entitled to grant of bail.
5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations, statements of Ku. Bharti and Ku. Muskan who have lastly seen the applicant in their house along with co-accused where their father was sleeping in another room and seizure of incriminating articles i.e. mobile phone, motorcycle and key of the motorcycle of the deceased at instance of applicant, I do not find present to be a fit case for grant of bail to applicant.

7. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge