

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5884 of 2021

Ramvillas Chauhan S/o Shree Kanta Chauhan, Aged About 26 Years, R/o Village Aatarimatiya, Birno, District - Gajipur (U.P.), Hall Mukam Katadhe Thana Mujgahan District – Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through, Police Station - Tikrapara, District Raipur Chhattisgarh.

--- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate.
For State	: Mr. Uddhav Sharma, Dy. GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

29/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.102 /2021, registered at Police Station -Tikrapara, District Raipur, (C.G.), for commission of offence punishable under Sections 302 and 201 of IPC.
2. Case of the prosecution is that on 28.03.21 applicant lodged missing report mentioning therein that on 27.03.21 about 4-5 persons took deceased Shubhash Rajbhar from country liquor shop and since then he is missing. During the course of investigation, memorandum statement of applicant was recorded on 31.03.21 in which he stated that at the time of work when deceased was lifting steel pipe, he came into contact with electric wire and suffered electric shock, as a result he fell down and died. Due to fear, he thrown dead body of deceased near brook. Based on memorandum statement, FIR was registered and applicant was arrested.
3. Learned counsel for the applicant submits that applicant has not committed any offence as alleged against him. Applicant and deceased were doing over time work in house of one Rupendra Pal and during that time deceased suffered

electric shock and fell down which caused head injury to deceased. Applicant has only removed dead body of deceased from place of incident and thrown it in brook as appearing from memorandum statement of applicant. Hence, offence of causing disappearance of evidence only could be made out and not the offence under Section 302 of IPC. Applicant is in jail since 04.04.2021, hence, he may be released on bail.

4. Learned State Counsel opposes the submission made by learned counsel for applicant and submits that applicant himself has lodged missing report narrating wrong facts. As per his memorandum statement recorded on 31.03.2021, he himself has thrown dead body of deceased near brook. In his second memorandum statement recorded on 04.04.21, he admitted the guilt of committing murder of deceased. He also pointed out that in post-mortem report also there is no mention of any electric shock suffered by deceased as submitted by learned counsel for applicant.
5. Heard, learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant at the time of lodging missing report has not mentioned the correct facts, memorandum statements of applicant, I do not find it to be a fit case to enlarge the applicant on regular bail.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-