

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6600 of 2021**

- Parmesh Potai, S/o Bajju Ram Potai, aged about 29 Years, R/o Banouli, Thana Korar, Tahsil Bhanupratappur, Tahsil Charama, District Uttar Baster Kanker, Chhattisgarh.

----Applicant**Versus**

- The State of Chhattisgarh, Through Police Station Korar, District Uttar Baster, Kanker Chhattisgarh.

----Non-applicant

For Applicant Mr. Parag Kotecha, Advocate.

For State Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

24/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.73/2019 registered at Police Station Korar, District U.B. Kanker, C.G. for the offence punishable under Section 302 of Indian Penal Code.
2. Allegation against the applicant is that he was suspecting that the deceased- Tejau Ram was practising witchcraft and, therefore, he assaulted the deceased by means of stick on his head and during treatment the deceased succumb to the injury caused by the applicant.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that

applicant has not assaulted the deceased person, the applicant is in jail since 13.12.2019 and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the gravity of the offence, the fact that there are three eye-witnesses to the incident i.e. Muneshwari Vatti, Kaneshwari Hupendi and Sadaram, the nature of injury caused on vital part of the body i.e. head which proved to be the cause of death, the other material available in the case diary, without commenting anything on merits of the case, this Court is not inclined to release the present applicant on bail.
7. Accordingly, the bail application is rejected. The trial Court is directed to expedite the trial and conclude the same as early as possible.

Sd/-
Gautam Chourdiya
Judge

Akhilesh