

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8160 of 2021

- Kartikram Patel, S/o Trilochan Patel, Aged About 27 Years, R/o Village Surda, P. S. Mungeli Tahsil and District Mungeli Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through P. S. City Kotwali, Mungeli District Mungeli Chhattisgarh

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent/State	:	Mr. Ravi Kumar Bhagat, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/11/2021

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.7036 of 2020 vide order dated 20.10.2020 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 350/2020 registered at Police Station-Mungeli, City-Kotwali (C.G.) for the offence punishable under Section 302/201 IPC.

3. It is submitted that the applicant is innocent who has been falsely implicated in this case. The trial has commenced and some of the witnesses have been examined. One of the witness of memorandum and seizure has been examined and nothing is established from statement regarding the connection of the applicant with the offence committed. The applicant is in jail since more than one year, therefore, prayer is made to release the applicant on bail.
4. Per contra, learned State counsel opposes the bail application. It is submitted that the evidence of the witnesses recorded in the trial cannot be appreciated for the purpose of granting bail. There is serious allegation against the applicant regarding commission of offence of murder, therefore, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, deceased Indrasen went missing on 10.6.2020. After recovery of the body of the deceased lodging of morgue intimation and FIR. During investigation, the applicant was interrogated, who made admissions regarding commission of offence and led to recovery of articles collected with the commissions of offence. The police has investigated the case and filed the charge-sheet. Trial is in progress. Hence, this bail application.
7. Considered on the submissions.
8. Taken into consideration the gravity of offence and that the prosecution has the opportunity available to prove the case against the applicant, therefore, I do not feel inclined to allow the bail application of this

applicant.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha