

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7938 of 2021**

Totaram Yadaw S/o Shri Jogaram Yadaw, aged about 36 years, Caste- Aahir, Occupation Cultivation & Dairy Business, R/o Village Ila, Police Station and Tahsil Patthalgaon, District Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through: Police Station Sitapur District Surguja (C.G.).

---- Respondent

For Applicant : Mr. Rohitashva Singh, Advocate
For Respondent : Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

27/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 83/2021 registered at Police Station- Sitapur, District Surguja (C.G.) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution in brief is that Complainant Dhaneshwar (henceforth 'the Complainant') does the cultivation work at village Harrmar. His son Ravi Prakash (henceforth 'the Deceased') was having love affair with Lalita Manjhi. The applicant was having love affair with the sister of the Deceased. On 02/04/2021 at about 12:00 in the night, the

applicant made a telephone call to Complainant and informed that his son (deceased) has been found in Kilkila and said him to take village Tildega, but when the applicant refused to do so because of night, the deceased ran away. In the morning, when the complainant was going to search his son, his son was found dead on the side of Derahi Road near Sagun River. Merg was registered. After investigation, a charge-sheet has been filed against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that because the applicant used to visit the house of the complainant, the applicant has been robbed in the said crime. The complainant himself in the FIR has raised doubt that due to love affair of his son (deceased) with Lalita, family members of Lalita have committed murder of the deceased. Though the sister of deceased stated in her statement that the applicant has committed murder of the deceased, the applicant is already a married man having no love affair with Nirmala, therefore, he has no motive to commit murder of the deceased. He further submits that the applicant is in jail since 03/04/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.

6. Considering the facts and circumstances of the case, particularly considering the statement of sister of the deceased recorded under Section 164 of the Cr.P.C and the fact that the applicant has made extra-judicial confession before her, this Court is of the opinion that present is not a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Deepak Kumar Tiwari)
Judge