

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8896 of 2020

- Pradeep Das Mahant @ Sanju S/o Ramlal Mahant Aged About 22 Years R/o Village- Pandripani, Korba, Out Post Hardibazar, P.S. Kusmunda, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kusmunda, District Korba, Chhattisgarh

--Non-Applicant

For Applicant	: Shri M.K. Baeg, Advocate
For Non-Applicant/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 7.7.2019 in connection with Crime No.203/2019, registered at Police Station-Kusmunda, District Korba(C.G.) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution is that on 25.6.2019 on account of money dispute, the applicant has committed murder of Hemant Das by slitting neck of the deceased with knife and stabbed the knife into stomach. Based on this, an offence has been registered against the applicant and he was arrested. In the memorandum statement, the applicant has admitted commission of crime.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the deceased had borrowed some money from the applicant and on that dispute the incident took place. He submits that there is no evidence against the applicant. He submits that charge sheet has been filed and no offence is made out against the applicant under the above mentioned Sections of the IPC, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. He submits that the applicant had inflicted grievous injuries due to which the deceased died and two witnesses of the incident namely- Rajkumar and Vijay Das and the knife has been seized from the applicant.
5. Having considered the submissions made by learned counsel for the parties and looking to the nature of injuries caused by the applicant on the neck and stomach of the deceased and he died on the spot and looking to the statements of the eye-witnesses namely- Naresh Das and Heera Das and in the memorandum statement of the applicant, he has admitted commission of crime and the knife has been seized from him, I am not inclined to grant bail to the applicant.
6. Accordingly, the bail application is dismissed.

Sd/
(Gautam Chourdiya)
Judge