

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9185 of 2020**

- Manoj Vaishnav, S/o Mohan Das Vaishnav, Aged About 24 Years R/o Village Ranbirpur, Police Station - Sahaspur, Lohara, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through - Police Station Basantpur, District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. Arvind Dubey, Advocate.
For State	:	Mr. Vimlesh Bajpai, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28-01-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 6-7-2020 in connection with Crime No. 216 of 2020 registered at Police Station Basant pur, District Rajnandgaon (CG) for the offence punishable under Sections 201, 302 and 364 of IPC.
2. The case of the prosecution, in brief, is that a missing report was lodged by the father of the deceased alleging therein that his daughter namely Suman Patel aged about 20 years who is studying in Rajnandgaon Nursing College and residing in college hostel, took leave from 5-10-2019 till 6-10-2019 at 10.00 a.m,...

but she had not returned back to hostel. The said information was given to the father of the deceased by hostel authorities. On the basis of report lodged in Police Station by the father of the deceased, police started investigation wherein it was found that lover of the deceased murdered her and concealed her dead body in the forest and on his memorandum human skeleton was recovered from the spot.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the skeleton of the deceased was recovered after eight months of the incident but it was not identified as to whether the said skeleton belongs to man, woman or animal. He would further submit that the dead body was recovered in an open place. He would further submit that another suspected person namely Niranjana was mentioned in missing report. He would further submit that the charge-sheet has been filed, present applicant is in jail since 6-7-2020, conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposing the bail application would submit that consequent to memorandum of the appellant, dead body of the deceased and her belongings were recovered from the place of incident i.e., Pragya Parvat and on the memorandum statement of the applicant, injury was also found on the skull of the deceased, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that initially the deceased was having affair with the present applicant and thereafter she was having affair with another person and due to this reason, present applicant took the prosecutrix at Pragya Paravat, hurled stone on her head and committed murder. It further reveals that on the basis of memorandum statement of the present applicant, skeleton of the deceased was recovered and as mentioned in his memorandum statement, injury was found on the skull during postmortem.
7. Considering the facts and circumstances of the case, entire material collected by the prosecution, the gravity of the offence and further considering the fact that on the memorandum statement of the applicant, skeleton of the deceased and her belongings were recovered from the place of incident and injury was also found on the skull of the deceased, without commenting anything on merits of the case, therefore, I am not inclined to grant bail to the applicant.
8. Accordingly, the application is liable to be and is hereby rejected.

Sd/-

(Gautam Chourdiya)
Judge

Raju