

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9394 of 2020**

- Shubham Behra @ Sona S/o Shri Rajgopal Behra Aged About 20 Years
R/o Sector 2, Khursipar, Bhilai, Thana- Khursipar, Distt.- Durg (C.G.),

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Pulgaon, Distt.- Durg
(C.G.),

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.
For State : Mr. Vimlesh Bajpai, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****2-2-2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27-08-2020 in connection with Crime No. 317 of 2020 registered in Police Station- Pulgaon, District Durg (CG) for the offence punishable under Section 302 of IPC..
2. The case of the prosecution is that on 25-8-2020 Police received information that one dead body was found near Mahmara Anicate and on the basis of the said information, merg information was recorded and during enquiry it was found that the applicant committed murder of the deceased by strangulation.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, there is no direct evidence to connect the applicant with the crime in question. He would further submit that the applicant is languishing in jail since 27-8-2020 and

conclusion of the trial is likely to take some time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that one Scooty bearing registration No. AS 6694 belonging to the applicant was seized, dead body of the deceased was found on the place of occurrence, presence of the applicant was proved at the time of occurrence and as per medical report, cause of death was homicidal
7. Considering the facts and circumstances of the case, gravity of the offence, the fact that evidence of eye-witness Roopchand is yet to be recorded, identification of the applicant has not yet been done from Roopchand, as per eye-witness account the applicant throttled the deceased to death, post-mortem report shows cause of death as asphyxia due to ante-mortem throttling and nature homicidal, death body was found at the place where the applicant was last seen with the deceased, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail.
8. Accordingly, the application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Raju