
(2021) 11 CHH CK 0001

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case No. 8010 Of 2021

Charan Kuppal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 01-11-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 120B, 201, 302

Citation : (2021) 11 CHH CK 0001

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. Heard.

2. The applicants have preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.677/2020 registered in Police Station Supela, District Durg C.G. for the offence punishable under Sections 302 (two times) read with Section 34, 328 (two times) read with Section 34, 201, 120-B of the I.P.C.

3. Case of the prosecution, in brief, is that on 11.10.2020 applicant No.2 K. Ramu has informed the Police and lodged the missing report that his niece Aishwarya and nephew Shivhari Kupal had gone without any intimation from home since 21.9.2020. They were traced on 07.10.2020 by the Police and handed over to the family. Both deceased were cousin brother and sister in relation but they were willing to marry each other. On being annoyed upon such behavior, applicants have committed murder by giving them poison; throttling and thereafter burning the dead bodies near Shivrath river.

4. Learned counsel for the applicant submits that the applicants are innocent person and they have been falsely implicated in the crime.

5. Witnesses namely Satyanarayan (PW3) and Parvat Gayakwad (PW4) have

been examined before the trial Court and they have not supported the case of prosecution. PW1 Rakesh Sarthi and PW2 Sanat Kumar are also witnesses to Shav Panchanama and seizure witnesses and they have also not supported the prosecution case.

6. Applicants are in jail since 12.10.2020 and other co-accused have been enlarged on bail by Court below, looking to the development of the case, learned counsel for the applicant prays that they may be released on bail.

7. Learned counsel for the State would vehemently oppose the bail application.

8. Considering the facts and circumstances of the case, there is strong motive for the alleged murder of the deceased persons by the present applicants, so looking to the gravity of the offence and nature of the case, this Court does not find the present case to be a fit for grant of bail.

9. Accordingly, the bail application deserves to be and is hereby dismissed.