

Itwari Ram Patel vs State Of Chhattisgarh on 20 December, 2024

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2024: C

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8504 of 2024

Itwari Ram Patel S/o Late Mahasingh Patel Aged About 71 Years R/o
Hatoud Thana And Tahsil - Kasdol District - Balodabazar - Bhatapara

versus

State Of Chhattisgarh Through The Police Station House Officer -
Kasdol District - Balodbazar - Bhatapara (C.G.)

(Cause title taken from Case Information System) For Applicant : Mr. Deepak Jain, Advocate For Respondent/State : Mr. Pratik Tiwari, learned Penal Lawyer Hon'ble Shri Justice Ravindra Kumar Agrawal Order on Board 20/12/2024

1. This is the first bail application filed by the applicants under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail. The applicants have been arrested in connection with Crime No. 385 of 2024 registered at Police Station Kasdol District - Balodbazar - Bhatapara, Chhattisgarh for the offence under Sections 103(1), 191(2), 191(3), 190, 296, 351(3), 115(2), 331(8) of Bhartiya Nyay Sanhita, 2023 and Sections VEDPRAKASH DEWANGAN 4, 5 & 6 of Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005.

2. The case of prosecution in brief is that, on 12.09.2024 at about 6:30 PM, the four persons namely Jamuna Kenwat, Chaitram, Yashoda Bai and Yash have been murdered by the accused persons by iron rod, chain and nailed hammer on the issue that one Mongra Bai, who was the mother-in-law of Jamuna Kenwat, was playing witchcraft, by which daughter of the accused Ramnath, namely Bharti Patle, was suffering from ailment. Dehati Merg was lodged by one Char Bai, who was the eyewitness to the incident. FIR has been registered and after recording statement of the witnesses and recording of memorandum statement of the accused persons as well as seizure affected on the basis of their memorandum, the accused persons have been arrested. The present applicant has also been arrested on 30.09.2024 and charge sheet has been filed.

3. Learned counsel for the applicant would submit that there is no evidence against the present applicant in the charge sheet that he committed murder of the deceased. No any incriminating

article has been seized from him. Even from the statement of the eyewitnesses, the presence of the present applicant is not there at the place of incident. The present applicant is aged about 71 years and in jail since 30.09.2024, final adjudication of the case will take at some time. Therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes and has submitted that from the second memorandum statement of Ram Nath, recorded on 29.09.2024, it comes that the present applicant was playing exorcism and on his instigation that the daughter of the accused Ram Nath, namely Bharti, was suffering from ailment by witchcraft playing by Mongra Bai, who is the mother of the deceased Jamuna Kenwat, the accused persons brutally assaulted the deceased persons, in which four persons have lost their life. From the material collected during the investigation, there is involvement of the present applicant in the offence in question and therefore, he is not entitled for bail.

5. I have heard learned counsel for the parties and perused the documents annexed with the application.

6. Considering the submissions made by the learned counsel for the parties, considering the nature of allegation and the material collected during the investigation, further considering the material available in the charge sheet with respect to the involvement of the present applicant in the offence in question and also in view of gravity of offence, I am not inclined to release him on bail.

7. According, the bail application of the applicant is rejected.

Sd/-

(Ravindra Kumar Agrawal) Judge ved