

Alkesh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Feb-27-2013

Appellant : Alkesh

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.849/2013 27.2.2013 Shri Manish Gavane, Advocate for the applicant.

Shri Akhilendra Singh, GA for the State.

This is the fiRs.bail application filed by the applicant under Section 439 of the Cr.P.C.for grant of bail.

The applicant is in custody since 16.10.2012 in connection with Crime No.222/2012 registered at P.S.Saunsar, District Chhindwara for the offence punishable under sections 302, 201 of the IPC.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this case.

There is no direct evidence against the applicant.

Case is based on the circumstantial evidence.

The applicant is not the owner of the mobile, from which he alleged to have made call to the deceased.

The applicant is in custody and trial would take considerable time to conclude, therefore, he be released on bail.

Learned counsel for State has opposed the application and submitted that during investigation it was found that the applicant was having illicit relationship with the wife of deceased Kishore.

Kishore had called a meeting of reputed persons to resolve that dispute and due to the said controversy, the applicant had the motive to eliminate the deceased.

Two witnesses stated that just before the incident, someone called to the deceased on mobile, on which the deceased had gone, thereafter, he was missing till his dead-body was recovered.

During investigation, it was further found that the applicant was the person, who made a call to the deceased.

Though the Sim was not in the name of the applicant, however, original Sim holder has stated that he lost his mobile and Sim before six months, therefore, the possibility of involvement of the applicant in the offence cannot be ruled out at this stage, therefore, this application is liable to be dismissed.

On due consideration of the contention raised by the learned counsel for the parties and overall facts and circumstances of the case, I am of the considered view that it is a not fit case to release the applicant on bail at this stage.

The application being devoid of merits, is hereby dismissed.

(G.S.Solanki) Judge PB

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