

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2984 of 2015

Basant Panna, S/o Heerasay Panna, aged about 40 years, R/o Village Salyadih, P.S. and Tahsil Batouli, Revenue and Civil District Surguja (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Batouli, District Surguja (C.G.)
---- Non-applicant

For Applicant:	Mr. Sunil Tripathi, Advocate.
For Non-applicant:	Mr. Siddarth Rathore, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/07/2015

1. Heard.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.17/2015 (ST No.53/2015 pending in the Court of Judicial Magistrate First Class, Sitapur} registered at Police Station Batouli, Distt. Surguja for the offence punishable under Section 302 of the IPC.
3. Case of the prosecution, in brief, is that in between 9-2-2015 at 5 p.m. and 10-2-2015 at 8 a.m. the applicant murdered Smt. Guchi Bai by crushing her head with a stone.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated, it is Dharam Prakash who had extramarital relation with deceased Guchi Bai and the applicant has been falsely implicated as such, there is no evidence to connect the applicant with the crime in question. Charge sheet has already been filed. The applicant is in jail from 19-2-2015. No custodial interrogation

of the applicant is required and as such, the applicant deserves to be released on bail.

5. On the other hand, learned State counsel opposes the application and submits that it is the applicant who had illicit relation with deceased Guchi Bai and on 9-2-2015 when Guchi Bai insisted to keep her in his house the applicant planned and in the night, crushed her head by stone and thereby committed the offence.
6. Taking into consideration the nature and gravity of offence, material collected by the prosecution and keeping in view the statements of Lalita Bai and Chandru Ram, I do not consider it a fit case for grant of bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge