

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6628 of 2015

1. Sohar Singh S/o. Rangmahal Singh , aged about 40 years, R/o. Chalgali, Bartikhurd, District Balrampur (C.G.)
2. Birjhan Lohar S/o. Laxman Lohar, aged about 55 years, R/o. Revati, Police Station- Chandour, District- Surajpur (C.G.)

. ---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. –Chalgali, District Balrampur, Chhattisgarh .

---- Respondent

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.21/2014 registered at Police Station- Chalgali, District – Balrampur (C.G.) for the offence punishable under Sections 302, 120(B) (1), 109,201 of IPC and under section 6 of Tonhi Pratadana Niwaran Adhiniyam.
2. Case of the prosecution is that the applicants have been committed murder of Budhni Bai on the suspicion of that she was doing witchcraft on them, therefore, the offence was registered against the applicants for the offence punishable under sections 302,120(B) (1), 109,201 of IPC and under section 6 of Tonhi Pratadana Niwaran Adhiniyam.
3. Counsel for the applicants submit that the applicants are falsely inculpated in this on the basis of the statement of Phoolpati and

this witness is examined before the Court below who has not supported the case of the prosecution and the applicants are in jail since 11.03.2014 and therefore, they may be enlarged on bail.

4. Per contra, State counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the Investigating Officer is yet to be examined and it is for trial Court to appreciate the evidence at the time of trial and the value of the evidence meticulously to consider the evidence of the eye witnesses. The Investigating Officer is still to be examined and it is the trial Court to find out including demeanor of the witnesses, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge