

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6369 of 2015

1. Shripadum, S/o. Ropan, aged about 38 years, R/o. Chilamkhurd, Police Station – Rajpur, Civil District- Surguja and Revenue District – Balrampur-Ramanujganj (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Rajpur, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. Kishore Narayan, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.38/2011, registered at Police Station – Rajpur, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.02.2011, the applicant alongwith his wife, Lopo and his children after attaining the marriage ceremony, the applicant assaulted his wife by fist and kick and subsequently she died on 20.02.2011 due to the injury.
3. Learned counsel for the applicant would submit that the eye-witnesses in this case are son and daughter of the deceased i.e. Sumati and Sandeep, who have been examined and they have not supported the case of the prosecution and they have turned hostile. He would further submit that brother of the deceased has also not supported the case of

the prosecution and he has been turned hostile. He would further submit that the applicant is in jail since 19.11.2014, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statements of the witnesses attached along with this application i.e. of Sumati and Sandeep and further the evidence of one Sindhu. Having regard to the fact that they have not supported the case of the prosecution, at this stage, for the purpose of bail without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge