

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6460 of 2015

Harvansh Kumar Ajgalle, S/o. Shiv Kumar Ajgalle, Aged About 45 Years,
R/o. Village Chhote Khaira, P.S. Sarangarh, Distt. Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S.
Sarangarh, Distt. Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.249/2015 registered at Police Station- Sarangarh, District Raigarh (C.G.) for the offence punishable under Section 302 & 201 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Tijmati died on 17.06.2015 for which merg intimation was reported by the applicant and after investigation, it was discovered that the deceased Tijmati died due to throttling. It was the case of the prosecution that the deceased Tijmati was the second wife of the applicant and therefore to keep his respect in the society, the offence has been committed.
3. Learned counsel for the applicant submits that the memorandum witness have been examined and they have not supported the

case of the prosecution and the case is on substantial evidence.

Therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that the witnesses are being examined and the case is listed for prosecution evidence; considering the fact that the witnesses are still to be examined, it would not proper at this stage to appreciate the statement of witnesses on the fact that the memorandum witness have turned hostile and further taking into nature of offence, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge