

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C No. 5313 of 2015**

Vivek Sahu, S/o Shri Rupanand, aged about 26 years, R/o Adarsh Nagar, Bansuladeepa Basana, Police Station-Basana, Civil & Revenue District – Mahasamund (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Acting through Police Station-Basana, Civil & Revenue District- Mahasamund (C.G.)

---- Non-applicant

For Applicants: Shri K.A. Ansari, Senior Advocate assisted by Mr. Devesh G. Kela, Advocate

For Non-applicant/State: Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.177/2015 registered at Police Station Basana, District Mahasamund for the offences punishable under Sections 302 & 201 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant is said to have strangled deceased Hema Bai on 8.6.2015 and, thereby, committed the aforesaid offences.

(3) Learned Senior Counsel appearing for the applicant would submit that the applicant has been falsely implicated in the offence in question, which is apparent from the merged statement

recorded on 08.06.2015 immediately after the incident, in which, maternal aunt of the deceased namely Urmila has not expressed any suspicion over her death and clearly stated that she was in a bad mental condition and, therefore, she committed suicide and, thereafter a false story has been fabricated against the applicant, in which, applicant has been arrested on 27.06.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant had illicit relation with the deceased and applicant wanted to marry with another girl and, therefore, the applicant has strangled the deceased, which is apparent from the recovery of mobile from the spot, pursuant to the memorandum statement of the applicant and the wire, which was used in the offence in question, has been seized from the possession of the applicant.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence; and the manner in which the applicant is said to have strangled deceased Hema Bai and the other material brought by the prosecution against the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

