

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1832 OF 2016**

Ku. Laxmi aged about 18 years D/o Somnath Netam R/o village Rawan P.S. Suhela District Baloda Bazar Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through S.H.O. Suhela District Baloda Bazar Bhatapara (C.G.).

---Non-applicant

For Applicant	:	Mr. Hemant Gupta, Advocate
For-Non-applicant	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/04/2016**

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. 73/2015, registered at Police Station Suhela, District Baloda Bazar Bhatapara (C.G.), for the offence punishable under Sections 318, 302, 201

of I.P.C.

2. Case of the prosecution, in brief, is that, on 01/05/2013 applicant murdered newly born baby and for concealment of birth, secretly disposed of the dead body and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there is no medical evidence. He would lastly submit that charge sheet has been filed and applicant is in jail since 16/01/2016, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that after conducting DNA test, blood sample of the applicant was matched with fetus thereafter offence has been registered against the applicant and prima facie case is made out against the applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; result of DNA test; evidence available in the case diary, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge