

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3601 of 2016

- Sanjay Sharma S/o Gop Singh Sharma Aged About 44 Years (Wrongly Mentioned as Pop Singh Sharma in The Order Impugned) R/o Jai Prakash Nagar, Near Jhanda Chowk, Adhartal, Police Station Adhartal, Jabalpur (M.P.). Present Address Sector-27, Block No. 12, House No. 201, Naya Raipur, Police Station Rakhi, Distt. Raipur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Telibandha, Raipur, Distt. Raipur Chhattisgarh.

---- Respondent

For the applicant	:	Mrs. Fouzia Mirza, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 241 of 2015 registered at P.S. Telibandha, District Raipur (C.G) for the offence punishable under Sections 302/34, 201 IPC.
2. As per the prosecution case, on 30.06.2015 a dead-body was found at Krishak Nagar Talab which was identified that of a Vinod Saxena. The subsequent investigation revealed that the applicant during inebriated condition entered into altercation with the deceased and the deceased was assaulted by a hard and sharp edged object thereby he died. It was at the instance of the applicant slipper was recovered from the house of the applicant and the statement of Rahul Sharma was recorded wherein he stated that the deceased

was last seen in the company of the applicant.

3. Learned counsel for the applicant would submit that no incriminating evidence is available against the applicant to connect him with the crime and only on the basis of slippers which was recovered at the instance of the applicant, he has been inculpated in crime. It is further submitted that no eye-witnesses have present and the son of deceased has differently stated about the identification of slippers. Therefore, the applicant has been falsely implicated and he may be enlarged on bail.
4. Perused the case diary and the documents. The case diary would reveal that at the instance of the applicant, the slippers were recovered as also the clothes of the deceased was recovered. The said slippers were identified by the wife of deceased. Considering the recovery, the evidence which is available I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**