

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4327 of 2016

Devdutt, S/o. Mathura Prasad Khare, Aged About 42 Years, R/o. Podidalha, Police Station & Tahsil - Akaltara, Civil & Revenue District - Janjgir – Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Akaltara, District - Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2016

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.47/2016 registered at Police Station- Akaltara, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 302, 201, 376 of Indian Penal Code.
2. As per the prosecution case, one dead body of Jageshwari was found on 19.02.2016 and during the merg enquiry, it was found that the applicant on a previous day took Jageshwari on his Bike and since the applicant had developed sexual relation with Jageshwari, she was forcing the applicant to marry her and, as such, the applicant committed murder of the lady; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as on the previous date, a report was

made by the applicant that while he was going alongwith Jageshwari they were intercepted on the road in a lonely place and the applicant was looted and Jageshwari was forcefully taken by the another man into the forest, therefore, he had also made a report of the incident which happened with the applicant and the applicant further submits that even if the case of the prosecution is admitted, it only says one injury as per the memorandum but MLC would show as many as 13 injuries on the dead body and the applicant also had sustained injuries; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. On the memorandum of the applicant, it appears that the blood stained stone was recovered which was used for killing of the deceased. The evidence is on record of Ramcharan Jogi which would show that the applicant had developed physical relation whereby the deceased was pressuring the applicant to perform marriage, so considering the motive and recovery which is available on record, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge