

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7520 of 2015

- Madhav S/o Mahesh Bareth Aged About 29 Years R/o Village Lodhiya, P.S. and Tahsil Baramkela, District Raigarh Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station, Baramkela, District Raigarh Chhattisgarh. - **Respondent**

For the applicant	:	Mr. Raghavendra Pradhan, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 79/2015 registered at Police station Baramkela, Distt. Raigarh (C.G) for the offences punishable under sections 302 & 201 of IPC.
2. As per the prosecution case, the applicant while quarreling with his wife the deceased Anandmati assaulted her and when she fell down the applicant forcibly pressed her face by pillow as a result of which she died and thereafter the kerosene oil was poured on the body and it was set ablaze. According to the postmortem report, the cause of death was asphyxia.
3. Learned counsel for the applicant submits that the incident was of 01.06.2015 and the FIR was filed on 18.06.2015 and there is inconsistency in the statements of the witnesses which gives benefit of doubt in favour of the applicant and there is no eye witness to the incident. He, therefore, submits that the applicant has been falsely implicated in this case and he may be released

on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the memorandum statement wherein it is stated that the death was caused by pressing the face by pillow which is supported by the medical evidence wherein it was opined that the cause of death was asphyxia.
6. Considering the evidence available in the case diary, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

Rao