

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1862 of 2016

- Bhagwat Prasad Chandra S/o Ramcharan Chandra, Aged About 38 Years Caste Chandra, R/o Village Bhothidih, Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

- State of Chhattisgarh through Station House Officer Police Station Janjgir District Janjgir Champa (Chhattisgarh).

---- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.04.2016

1. This is second 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. 618 of 2015 registered at P.S. Janjgir, Distt. Janjgir Champa (C.G) for the offence punishable under Section 302-B/34 of IPC. The first bail application was dismissed on 29.01.2016.
2. The prosecution case, in brief, is that one of the brothers of applicant namely Babulal was married to Urmila 15 years back and after marriage the the applicant and his brother used to assault her, for which, a community meeting was convened. Thereafter, the deceased shifted her house from in-laws' place i.e., village Bhaithidih to Janjgir for studies and future of her children. It is alleged that said Babulal, brother of the applicant came to Raigarh on leave and thereafter

both the applicant and Babulal in the car of applicant went to Janjgir from Raigarh and asked his brother to keep the car in start mode and thereafter Babulal went inside the house of Urmila, throttled her and came back in the car and subsequently went back to his place of posting.

3. Learned counsel for the applicant submits that the applicant has been inculpated on the basis of the memorandum and actually the offence has been committed by Babulal who committed assault on his wife Urmila and the applicant has no nexus with the crime in question. Learned counsel for the applicant submits that under the circumstances the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and the documents. The charge sheet has been filed in this case. The fact remains that the applicant travelled along-with other co-accused Babulal from Janjgir to Raigarh and thereafter as per the evidence, he kept his car in start mode and the brother of applicant Babulal went inside the house of Urmila and committed murder and came back in Car and thereafter both of them fled away.
6. Considering the case diary documents and on perusal of the earlier bail rejection order, no change of circumstances appears to have been existing after rejecting the first bail application. Therefore, I am not inclined to allow this second bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE