

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7639 of 2015

1. Bijendra Yadav, S/o. Kanhai Yadav, aged about 35 years, R/o. Village-Shivpur, Chauki – Vijay Nagar, P.S. - Ramanujganj, District – Balrampur-Ramanujganj (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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.185/2014, registered at Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304(B), 201, 120-B read with Section 34 of I.P.C.
2. Case of the prosecution, in brief, is that the marriage of Rampravesh Yadav was solemnized with Smt. Rinku Yadav on 01.05.2013 and she alleged to have been committed suicide on 16.09.2014 by jumping into the well.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant is Jeth (brother-in-law) of the deceased and he was residing separately. The counsel referred to the documents of the Ration Card

and Labour Card and emphasis that that the applicant was residing separately and the role of the applicant is different to that of the other co-accused. He would further submit that the applicant is in jail since 25.09.2014, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that allegations have been attributed to this applicant alongwith other co-accused whose bail application has been rejected by the co-ordinate Bench of this Court in M.Cr.C. No.104/2015 vide order dated 07.07.2015. He would further submit that since the allegations are similar as such, the defence can not be appreciated at this stage. Therefore, he prays that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of Chandra Mohan Yadav, Shivpatiya, Umesh Yadav, wherein omnibus allegations have been allured on the applicant alongwith other co-accused, whose bail application has been rejected. Considering the fact that bail application of other co-accused has already been rejected and the applicant is also residing at the same village and further considering the allegations and the defence raised by the applicant, it can not be appreciated at this stage. Consequently, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge