

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2549 of 2016**

Shankar Hathile, S/o Late Pyarelal, aged about 82 years,
Occupation – Agriculturist, R/o Devkatta, Thana & Tahsil –
Dongargarh, Distt. Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Police Station Dongargarh,
District Rajnandgaon (C.G.)

-----Non-applicant

For Applicant: Mr. Shrawan Agrawal, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. Govt.
Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****02/06/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 616/2015 registered at Police Station Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 302 & 201 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant has assaulted his wife with heavy stone, as a result of which she died and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that case of the prosecution is based suspicious circumstantial evidence and

there is no direct evidence to connect the applicant with the offence in question. It is next contended that till date no positive report of FSL has been received to connect the applicant with the offence in question. It is also submitted that the applicant has been roped in the offence after 4-5 days of the incident and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State would submit that on the memorandum of the applicant, blood stained stone which was used in the offence in question, has been recovered from the possession of the applicant and the dead body of the deceased was found in the house and use of household stone, which was used in the kitchen, in the offence in question are prima facie connect the applicant with the offence in question and, therefore, the applicant is not entitled to be released on bail.

(5) Considering the totality of the facts & circumstances of the case; and the manner in which the offence is said to have been committed and the other material available on record, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge

D/-