

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5008 of 2016

1. Surendra, S/o. Shivsharan Das Vaishnav, aged about 28 years, Occupation-Agriculturist/Labour, R/o. Village-Karamsain-Navapara, P.S.- Nandghat, District – Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Nandghat, District – Bemetara (C.G.).

---- Respondent

For Applicant	: Mr. P.P. Sahu, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/08/2016

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.132/2016, registered at Police Station – Nandghat, District- Bemetara (C.G.) for the offence punishable under Section 302, 323 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.04.2016, the applicant has assaulted his wife by way of sickle, which was intercepted by the mother of the applicant and she was also assaulted. Thereby the applicant has committed murder of his wife.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and charge-sheet in this case has been filed, no further investigation is necessary and the

applicant is in jail since 23.04.2016, therefore, the counsel prayed 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 as many as four eye-witnesses are present namely Ravindra, Jamuna, Shivcharan and Tilottama Bai, who have seen the incident, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statements of the witnesses. Considering the statements of the witnesses, I am 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