

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5644 of 2016

Shukla @ Udayman Singh, S/o. Late Girvar Singh, Aged About 46 Years,
R/o. Sasin at Present R/o. Tanera, Chowki Korba, P.S. Pasan, District
Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Out Post Korbi,
Police Station Pasan, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Basant Kaiwartya, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.17/2016 registered at Out Post Korbi, Police Station- Pasan, District Korba (C.G.) for the offence punishable under Section 376 & 302 of Indian Penal Code.
2. As per the prosecution case, on 15.03.2016 one Sunita who as in love relation with the applicant went out from her home and thereafter a dead body was found in the field. Subsequently, on investigation it reveals that before the death she was subjected to rape and thereafter her murder was committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and there is no evidence available against the applicant and only on the basis of memorandum, the applicant has been arrested, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of Vishnu Singh, which would show that the applicant was missing when the dead body of Sunita was recovered. Subsequently, when the applicant was arrested at his stance one Payal was recovered at the memorandum of the applicant from the house of Sanjay Gond. Considering such recovery and the facts and circumstances of the case, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge