

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5885 of 2016

- Gulab Das Vaishnav S/O Krishnadas Vaishnav Aged About 42 Years
Occupation Business, R/O Village Saraipali, Delari, Thana Punjipathara /
Gharghoda, Civil & Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Gharghoda, Civil &
Revenue District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Punit Ruperal, Advocate
For Respondent/State : Mr. Neeraj Kuamar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-09-2016

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 on 26-7-2016 in connection with Crime No. 202 of 2016, registered at Police Station Gharghoda, District Raigarh (CG) for the offence punishable under Sections 302 and 201 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that one dead body of lady was found near river on 22-7-2016 and on investigation the dead body was found to be the dead body of Sashi. During investigation it was revealed that other co-accused Rupdhar had brought Sashi as his wife and she was insisting to stay at their house and was making a call to Rupdhar, therefore, Gulab Das Vaishnav, Rupdhar and Shanker all have strangled that lady and committed murder and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there is no evidence against the present applicant to connect with the crime in question, there is no eye-witness to the incident and only on presumption the applicant

has been inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-7-2016 and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the memorandum statement of the accused and also post-mortem report wherein strangulation has been affirmed.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the memorandum statement of the applicant and post-mortem report, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju