

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6166 of 2016

1. Shankardas Vaishnav, S/o. Kiritchandra, aged about 32 years, Occupation-Labour, R/o. Gangam Pali, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer, Police Station – Gharghoda, Civil and Revenue District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

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.202/2016, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief is that one dead body of lady was found on the river on 22.07.2016. On investigation it was found that lady was Shashi and was the second wife of Rupdhar and because of a dispute arose between Rupdhar and Shashi was insisting to stay along with Rupdhar and was making a call to Rupdhar, therefore, Gulab Das Vaishnav, Rupdhar and Shanker all have strangulated that lady and committed murder and threw her dead body into the river. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and there is no evidence to this regard that the applicant has committed the offence and only on the basis of memorandum, the applicant has been arrested. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Savitri Bai as also memorandum statement, which has been supported by postmortem report, which shows that the deceased was strangled. Therefore, considering the same, 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