

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6077 of 2016

1. Jeera Bai, W/o. Shri Lalsai Pando, aged about 31 years, R/o. Village-Jampani, P.S. - Baikunthpur, District – Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Baikunthpur, District Korea (C.G.)

---- Respondent

For Applicant : Mr. Pragalbha Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/10/2016

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.96/2016, registered at Police Station – Baikunthpur, District – Korea (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. As per the prosecution case, on 16.04.2016 a quarrel took place in between the deceased and the applicant and some charges were clamped and the character of the applicant was assassinated by the deceased, as such, the deceased was beaten by way of club and because of that, she died due to the injury in the left leg and excessive hemorrhage.
3. Learned counsel for the applicant submits that the case would not fall under Section 302 of I.P.C. and the injury is only on the left leg,

which can not be stated to be cause of death. 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 Lal Sai that contains extra judicial confession of the applicant. Considering the applicant and the postmortem report, 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