

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6266 of 2016

Sagunath Khairwar, S/o. Rambechan Singh, Aged About 37 Years, R/o. Village- Karauti, Police Station- Chandni, Tehsil- Odgi, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Chandni, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.10.2016

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.23/2016 registered at Police Station- Chandni, District Surajpur (C.G.) for the offence punishable under Section 302, 201, 34 of Indian Penal Code.
2. As per the prosecution case, in between the intervening night of 6/7.06.2016 committed murder of Adalat Khairwar by the Axe as he was having illicit relation with the wife of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely inculpated only on the presumption and there is no evidence available against the present applicant. He further submits that recovery of an Axe was made, which also do not contain the blood stain and the statement of the father, mother & wife also do not support the fact that the applicant has committed murder as no eye-witness are present; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of one Ramnath Khairwar, which purports that extra-judicial confession was made by the present applicant. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge