

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6828 of 2016

- Imran Khan @ Lokesh Sahu S/o Avadh Ram Sahu Aged About 21 Years R/o Village Tarra, Police Station Rajim, District - Gariyaband Chhattisgarh Mobile No. - 97705-20940

---- Petitioner

Versus

- State Of Chhattisgarh Through - Police Station - Moudhapara, Raipur, District Raipur Chhattisgarh

--- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-11-2016

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 4-6-2016 in connection with Crime No. 73 of 2016, registered at Police Station Moudhapara, Raipur, District Raipur (CG) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution, in brief, is that on 4-6-2016 the applicant killed his wife Jabina Khan by throttling by way of scarf (Chunni) and dead body of his wife was found in the house of the applicant. She was married to applicant one month prior to the date of incident .
3. Learned counsel appearing for the applicant would submit that the deceased was seven years elder than the applicant, the applicant has been falsely implicated in the case, no evidence is on record to show that the applicant killed his wife and only on the presumption the applicant has been inculpated. He would further

submit that the charge-sheet has been filed in this case, he is in jail since 4-6-2016 and no further investigation is required, therefore, he 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 and have also perused the case diary,, the documents and the statements which would show that after the incident the applicant called one Adbdul Samad and confessed the crime. The same is supported by the document. Making of call is also established by the evidence and the dead body of the deceased was found in the house of the applicant
6. 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 the evidence collected by the prosecution, 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 liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju