

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7264 of 2016

1. Gulab Das Vaishnav, S/o. Krishnadas Vaishnav, aged about 42 years, Occupation-Business, R/o. Village- Saraipali, Delari, Thana – Punjipathara/Gharghoda, Civil and Revenue District Raigarh (C.G.) (As per Rejection order).

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Punit Ruparel, 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 second 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. The first bail application was dismissed on merits vide order dated 28.09.2016 in M.Cr.C. No.5885/2016.
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

strangled 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. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 26.07.2016. 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 case diary and the documents. Considering the fact that no change of circumstances appears to be existed, I am not inclined to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge