

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7731 of 2016

Rupam Das @ Bhundi, S/o. Jhimal Das, Aged About 36 Years, R/o. New Tikrapara, Godripara, Police Station- Chirmiri, Tahsil- Khadgawa, District- Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Of Police Station- Chirmiri, District- Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2016

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.78/2016 registered at Police Station- Chirmiri, District Korea (C.G.) for the offence punishable under Section 302, 498-A of Indian Penal Code.
2. As per the prosecution case, the wife of the applicant Geeta died on 03.03.2016 and the cause of death was due to trauma because of the injury to the lung and it is alleged that she was severely beaten by the present applicant on 01.03.2016 and consequently she succumbed to the injuries.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, no eye-witness are present in this case and the post mortem report also do not support the cause of death as no injury is reported when she was admitted to the Hospital, 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 documents. Considering the statement of the witness Syam Bai wherein the oral dying declaration of assault is attributed to the present applicant and reading it alongwith the post mortem report, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge