

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7804 of 2016

Dhanau, S/o. Shiv Prasad Sahu, Aged About 65 Years, R/o. Village Devari, Police Station Rajim, District Gariyabandh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Rajim, District Gariyabandh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.12.2016

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.75/2016 registered at Police Station- Rajim, District Gariyabandh (C.G.) for the offence punishable under Section 120(B), 302, 201 of Indian Penal Code, Section 4, 5, 6 of C.G. Tonhi Pratadana Nivaran Act, 2005.
2. As per the prosecution case, one Manbhoutin Bai was killed in the intervening night of 24-25.03.2016 alleging that the deceased was performing witchcraft which was identified by the grandson Gendlal, who is Baiga. It is alleged that the applicant who is husband alongwith other persons in the house conspired to eliminate the deceased and killed her and thereafter burnt the dead body and during such incident, it was seen by other villagers and the offence came to the notice.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and only allegation against him is that he uses a stair to make disappearance of the body and the other

allegations on the memorandum are attributed to other co-accused, 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. The applicant appears to be the husband and the case is also under Section 120-B of IPC. It is alleged that the deceased was killed by the family members and it appears that the applicant was dormant who is husband, therefore, taking into the nature of allegation, 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