

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7802 of 2016

1. Tikeshwar Deep @ Tikas @ Tinku, S/o. Pyarideep, aged about 42 years, R/o. Dumerpali, Police Station & District – Bargarh (Odisha), at present resident of Chhote Atarmuda, Police Station – Chakradharnagar, Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Chakradharnagar, Raigarh District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/12/2016

1. This is the first 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.155/2016, registered at Police Station – Chakradharnagar, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 302 of I.P.C..
2. Case of the prosecution, in brief, is that the deceased Rajnideep died in the house. It is alleged that the present applicant, who is the husband of the deceased has caused the death by giving blow by way of sharp-bolt (*Chheni*). Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecution has not arrayed the children of the applicant as witnesses, who were

presents at the relevant time in the house and only false allegations have been levelled against the applicant and there is no eye-witnesses in this case. Therefore, counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents. Perusal of the documents shows that dead body of deceased was found in the house when the applicant was inmate being the husband and the applicant and the deceased were seen together last before the incident. Further recovery of *Chheni* (sharp bolt) was made at the instance of accused and the facts of the case and the nature of recovery and evidence, 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 dismissed.

Sd/-
(Goutam Bhaduri)
Judge