

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 240 of 2017

Lalu @ Vishnu Dewangan, S/o. Janki Prasad Dewangan, Aged About 28 Years, Occupation Business, R/o. Palace Road Koshta Para, Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Chakradhar Nagar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Sharma, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30/01/2017

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.216/2016 registered at Police Station- Chakradhar Nagar, District Raigarh (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 09.07.2016, the applicant committed murder of Saraswati Dewangan as she was strangled and thrown into water and the applicant was seen coming out of the river wherein the voice of male and female was heard. Subsequently, the dead body of Saraswati was found in the river.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the main witness Deepak has been

examined in this case and he has not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the another witness mother of the deceased is still to be examined which would show that the applicant was in love relation with the deceased.
5. Perused the case diary and the documents. Considering the fact that the case is based on circumstantial evidence by picking up few of the statement of Deepak, Nane Sidar, Subhash Sao and Manoj, which is placed on record, it is not proper for this Court to usurp the power of the Trial Court to examine the statement of the witnesses by reading in between the line. Considering the fact that out of 14 witnesses, 5 witnesses have already been examined and taking into the nature of evidence available, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge