

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 644 of 2017

- Balchand Sahu S/o Dukaluram Sahu Aged About 28 Years R/o Belaurikala, Police Station Berla, At Present Residing Near Water Tank, Gudiyari, Raipur, District Raipur, Chhattisgarh.
--- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Gudiyari, District Raipur, Chhattisgarh.
--- Respondent

For the applicant	:	Mr. Suresh Tandan, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 162 of 2014 registered at Police Station Gudiyari, Distt. Raipur (C.G) for the offence punishable under Sections 363, 364, 34 of IPC.
2. As per the prosecution case, a report was made by one Subhash Chandra Jha that in the intervening night of 21st/22nd May, 2014 his daughter was found missing and some one has allured and enticed her away his daughter from their lawful guardianship. Subsequently the dead body of the girl was found in a River which was found to be of the missing girl. During investigation, it was revealed that the present applicant who was a tuition teacher of the deceased has developed love relations though he was married, consequently she was killed with the help of two students

who were minors.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no evidence is existing against him and as many as 7 witnesses have been examined and they have not stated against the present applicant. He further submits that the applicant is in jail since 04.07.201 and he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. Considering the fact that 7 witnesses have already been examined and another Sessions Trial in respect of offence u/s 302 IPC has been separately initiated by the prosecution wherein the bail of the applicant has been rejected, at this stage, it would not be appropriate for this Court to give any finding by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. Apart from this, the observations if any are made at this stage may also prejudice the rights of either prosecution or the defence.
6. Therefore, taking into such facts situation of the case, I am not inclined to allow this bail application. Accordingly it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**