

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1084 of 2017

- Ramswaroop Sahu S/o Shri Anand Ram Sahu, Aged About 40 Years R/o Village Chaprid, Police Station Arang, District Raipur Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station of Police Station Tumgaon, District Mahasamund Chhattisgarh ---**Respondent**

For the applicant	:	Mrs. Smita Jha, Advocate
For the Respondent	:	Mr. Ashish Shukla, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 108/2016 registered at Tumgaon, Distt. Mahasamund (C.G) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, on 09.06.2016 a decomposed body of lady was recovered which was subsequently identified as Kunti Bai. The investigation reveals that the deceased had illicit relation with the applicant and he was pressurizing her to marry him. Consequently the widow was eliminated by the present applicant and her body was thrown near a canal situated at Pidihi dam.
3. Learned counsel for the applicant would submit that there is no evidence to inculcate the applicant in the crime, neither the mobile was seized nor there had been any eye witness to the incident. The statements of the daughter, brother and

neighbor were recorded on 14.06.2016 and memorandum was recorded on 15.06.2016 and no iota of evidence is available to connect the present applicant with the crime. She further submits that the charge sheet has been filed and the applicant is in jail since 15.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary, documents as also the memorandum statement. Witness Shailendra Koshley has made the statement of last seen. He stated that the deceased was in the Company of the applicant before the incident and thereafter she was not seen. Further the postmortem report also shows that there is head injury as compressed fracture was found on the scalp. Considering the totality of the facts and circumstances of the case and the evidence available, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**