

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2516 of 2017**

Bhole Sahu S/o Bulla Sahu, Aged About 30 Years R/o Village Manwari,
Police Station Kelhari, Tahsil Manendragarh, District Korea, CG.

---- Applicant

Versus

State of Chhattisgarh through in-charge Police Station Kelhari, District
Korea, CG.

---- Respondent

For applicant	Ms. Usha Chandrakar, Adv.
For Respondent/State	Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-1-2017 in connection with Crime No. 55/2015 registered in PS Kelhari, Distt. Korea for offence punishable under Section 302 and 201 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed but she is not in a position to state the criminal case number/sessions trial number. She is also not aware in which court the trial is pending. She further submits that case of the prosecution is merely based on evidence of last seen as stated by Chetram in his statement under Section 161 of the Cr.P.C. Date of incident is 13-7-2015. Missing report has been lodged on 17-7-2015. Body was recovered on 17-7-2015 from the well of one Jagdish Prasad Gupta. In the post mortem report cause of death is asphyxia which was homicidal in nature. Learned counsel for the applicant submits that if Chetram had seen the accused going towards kitchen garden of Jagdish Prasad Gupta immediately after the deceased went

in that direction, then why Chetram did not disclose the same to the family members of the deceased. Also as per allegation, the deceased was taking mobile in her hand and talking to someone but as per call details annexed with the charge sheet, there is no call outgoing/incoming from the mobile phone recovered along with the dead body hence the applicant is made accused on the basis of suspicion. He may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced by learned counsel for the applicant.
5. Prima facie upon consideration of the material, evidence of last seen i.e. circumstantial evidence is available in the charge sheet against the applicant. Looking to the entire facts and as the matter relates to homicidal death of the deceased, I am not inclined to grant bail to the applicant. Consequently, instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge