

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5113 of 2017**

- Ravishankar S/o Shri Baban Singh Aged About 19 Years Caste Gond, R/o Lotaan Bhandar Para, Police Station Baikunthpur, District Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Baikunthpur, District Korea Chhattisgarh.

---- Respondent

For applicant : Shri Dashrath Kushwaha, Advocate
 For respondent/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****23.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 26.10.2016 in connection with Crime No.256/2016, registered at Police Station Baikunthpur, Distt. Korea (CG) for the offence punishable under Sections 302, 201, 120B and 376(d) of the Indian Penal Code.

2. As per the prosecution story, it is alleged that deceased Sunita was having relationship with co-accused Sonu. It is further alleged that the applicant along with co-accused committed rape with the deceased and thereafter committed her murder.

3. Learned counsel for the applicant submits that but for the seizure one medical prescription of the deceased there is no other evidence connecting the applicant with crime.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the case is based on circumstantial evidence and after recording the evidence, the Court draw the inference against any of the accused persons on the basis of evidence adduced before it. As there is connecting piece of evidence against the applicant, he is not entitled for bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. As per the version of the prosecution, the deceased left her home on 16.10.2017 for taking medicine and the prescription regarding the medicine was seized from the accused/appellant. As per the record, cause of death of deceased Sunita is strangulation. It is for the trial Court after concluding the trial to draw inference regarding the evidence collected by the prosecution and when there is connecting piece of evidence against present applicant, he is not entitled for bail.

7. Accordingly, bail application filed under Section 439 CrPC is hereby rejected.

Sd/-

(Ram Prasanna Sharma)

JUDGE