

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5532 of 2017**

- Lala @ Lalit Kumar S/o Late Kholbahara Prabhuwa, Aged About 34 Years R/o Village Darra (Kasdol), Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

 For Applicant : Shri Yogesh Chandra, Advocate
 For Respondent/State : Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

12.9.2017

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.161/2017 registered in Police Station Kasdol, Distt. Baloda Bazar-Bhattapara (CG) for the offence punishable under Sections 302 & 498-A of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 12.4.2017, after investigation Police has filed charge sheet which is pending before First Additional Sessions Judge (FTC), Baloda Bazar as Session Trial No.47/2017. Learned counsel for the applicant would submit that the applicant is innocent, he has been falsely implicated, police during investigation, has not recorded the statement of Ashwini Kumar, who was also present at the time of incident. And also

Ramin Bai, mother of the deceased, gave affidavit that the applicant had not committed the offence, hence he may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. During investigation, police has collected material evidence including one eye witnesses who saw the applicant set ablaze his wife Bund Bai and and killed her. There is also circumstantial evidence showing the prima facie involvement of the applicant in the crime. After consideration of the entire facts that the applicant murdered his wife and also committed cruelty prior to the incident, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE