

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1119 of 2016**

1. Bhole Sahu, S/o. Shri Bulla Sahu, aged about 27 years, R/o. Village-Manwari, Police Station – Kelhari, Tahsil Manendragarh, District -Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Police Station – Kelhari, District – Korea (C.G.)

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/01/2017**

1. Apprehending arrest in connection with Crime No.55/2015 registered at Police Station- Kelhari, District – Korea (C.G.), for offence punishable under Section 302, 201 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case of the prosecution, in brief, is that one Santoshi was found missing from 13.07.2015, subsequently, her dead body was found in the well of Jagdish Gupta. It is alleged that the applicant had affair with the deceased. The applicant was married and there was some quarrel with the wife of the present applicant and the deceased and therefore, on such reasons, Santoshi was strangulated and was thrown in to the well. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case only on the basis of call

detail and no evidence is available which would show that the applicant has committed the murder. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned counsel for the State opposes the bail application and read out the statement of Omprakash @ Sonu and prays that the applicant may not be extended the benefit of anticipatory bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and the statement of Omprakash @ Sonu. Taking into such statement it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge