

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7225 of 2016

- Ganesh Kumar Ratre S/o Parmeshwar Prasad Ratre Aged About 27 Years R/o - Village - Korbi, Post - Sutarra Police Station - Kathghora, Hall - Mukam - 577, C. A. F. 15th - Camp - Battalion, Korba, Tah & District - Korba, Revenue & Civil District Korba, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : Police Station - Kathghora, District - Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State. : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 23-7-2016 in connection with Crime No. 323 of 2016 registered at Police Station Kotwali, Korba, District Korba (CG) for the offence punishable under Sections 498-A, 307 of IPC and Sections 25 & 27 of the Arms Act.
2. As per prosecution case, a report was made by the complainant Smt. Prabha Devi Ratre that she was married to present applicant in the year 2013 and thereafter she was subjected to torture and on 22/23-7-2016 in order to kill the parents of the complainant, present applicant fired six rounds of bullets, however, victim survived.

3. Learned counsel appearing for the applicant would submit that wife of the applicant has entered into compromise as per the affidavit filed alongwith the bail petition and she wanted to stay with the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 23-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. The State counsel was directed to verify the affidavit. Verification report has come which shows that wife had not consented for release of the applicant. It would further show that her signature was obtained in blank paper by the relative of the present applicant and she has denied execution of the affidavit.
7. Perused the case diary and documents.
8. Taking into consideration all the facts and circumstances of the case and further taking into fact that the complainant has denied execution of the affidavit, I am not inclined to release the applicant on bail.
9. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

