

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7063 of 2017

Jageshwar Sahu S/o Shri Rikhiram Sahu, Aged About 41 Years R/o Village Nakti, Post Mana, Police Station Mana Camp, Raipur, Tahsil And District Raipur, Chhattisgarh. **----Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund, Chhattisgarh. **---- Respondent**

For Applicant	:	Mrs. Fouzia Mirza, Advocate
For Respondent/State	:	Mr. Satish Gupta, GA

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Oral Order

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.44 of 2017 registered at Police Station- Tumgaon, District Mahasamund (C.G.) for the alleged commission of offence under Section 302, 201 of IPC.
2. Case of the prosecution is that the applicant murdered the prosecutrix, his sister-in-law, suspecting her character.
3. Learned counsel for the applicant would submit that the applicant has been involved in the alleged commission of offence only on the basis of suspicion without any incriminating evidence collected against him. He would submit that none of the witnesses of the prosecution, whose statement under Section 161 Cr.P.C. has been recorded, have made any kind of allegation against the applicant and in fact what has come during investigation is that the deceased had a long affair with one David Kurre. It is next submitted that though some of the witnesses have stated regarding the person with whom the prosecutrix left the house, applicant has not been named. It is also

submitted that the prosecution witnesses, in the diary statement, have stated that two persons were found carrying a bag but they have also not identified the applicant as one of the person sitting in the motorcycle.

4. The applicant is being involved on the basis that nylon rope used for strangulating the deceased and two bags allegedly used in transporting the dead body which were seized from the possession of the applicant.
5. On the other hand, learned State counsel opposes the prayer and submits that on suspicion that it has come during investigation that the applicant had objected to the extra marital relationship of the deceased who happened to be the applicant sister-in-law (wife of younger son). It is further submitted that when memorandum of the applicant was taken, on his disclosure, nylon rope alleged to have been used in strangulating the deceased and the bags which were used in taking the dead body for disposal were recovered which is supported form the forensic report.
6. Taking into consideration the submissions of learned counsel for the parties and the material against the applicant, I am not inclined to grant bail to the applicant. Therefore, the bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge