

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1367 of 2017

- Rajnath Singh S/o Ramlakhan Aged About 35 Years R/o Village Lodha, Police Station- Ramchandrapur, Balrampur, District- Balrampur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Ramchandrapur, District Balrampur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-03-2017

1. This is second bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 26--3-2016 in connection with Crime No. 10 of 2016 registered at Police Station Ramchandrapur, District Balrampur (CG) for the offence punishable under Section 302/34 of the IPC. Earlier first bail application was dismissed on merits on 5-10-2016.
2. As per the prosecution case, the applicant along-with one co-accused Ram Das Vishwakarma committed murder of one Urmila Bai as Urmila had relations with other co-accused Ram Das and she used to recover the money. Consequently the other accused Ramdas hired the present applicant and both of them wanted to kill the deceased initially by electric shock but when the electric shock failed the death was caused by assaulting on her head by way of stone.

3. Learned counsel appearing for the applicant would submit that seizure witnesses namely Bhagwan Singh and Suryavanshi have been examined in this case and they have not supported the case of prosecution. He would further submit that the applicant is in jail since 26-3-2016 and no further investigation is necessary, 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. On a query being made whether the Investigating Officer has been examined, it is submitted by the State counsel that the Investigating Officer is still to be examined in this case.
7. Taking into consideration all the facts and circumstances of the case, considering nature of evidence available and the fact that the Investigating Officer is still to be examined, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of seizure witnesses as it would amount to usurping the power of the trial Court. In view of this, I am not inclined to allow the instant bail application.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed. However, the trial Court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)
Judge

Raju