

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1801 of 2017

1. Rohit Kumar S/o Dayaram Dhivar, Aged About 30 Years R/o Village Ramhepur Ward No. 15 Police Station Lormi, District Mungeli Chhattisgarh
2. Smt. Jaimati Dhivar, W/o Dayaram Dhivar, Aged About 48 Years R/o Village Ramhepur, Ward No. 15, Police Station Lormi, District Mungeli Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh

---- Respondent

For Applicants :Mr. P.P. Sahu and Mr. R.K. Pali, Advocates

For Respondent/State :Mrs. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-4-2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 16-7-2016 in connection with Crime No. 273 of 2016, registered at Police Station Lormi, District Mungeli (CG) for the offence punishable under Sections 302, 201 & 120-B read with Section 34 of the IPC.
2. As per prosecution, present applicant No.1, who is son of the deceased Prema Bai, along with Smt. Jiyamati Dhivar and father Dayaram Dhivar committed murder of Prema Bai as they were doubting her character and tried to make disappearance of the evidence and thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants would submit that this is second bail petition, earlier first bail petition was dismissed as withdrawn with liberty to repeat the same after some time. He would further submit that the applicants have been falsely implicated in this case and there is no evidence against the applicants. He would further submit that charge-sheet has been filed, the applicants are in jail since 16-7-2016 and no further investigation is necessary, therefore, they may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of witness Smt. Savitri Dhivar, wife of applicant No.1 which would show that dead body of the deceased was found in the house of the present applicants and thereafter they tried to eliminate the evidence.
7. Considering the facts and circumstances of the case, nature of allegations and degree of offence and further considering the statement of the wife of the applicant No.1 and the way offence has been committed in an organized manner, I am not inclined to release the applicants on bail.
8. Accordingly, the instant bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

