

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3404 of 2017

- Mohit Jangde S/o Sakhan Lal Jangde R/o Viullage Tarponga, Police Station - Simga, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station Simga, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-05-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 70 of 2016 registered at P.S. Simgla, District Baloda Bazar Bhatapara (C.G) for the offence punishable under Section 302, 201 of IPC and Section 25 of the Arms Act.
2. As per prosecution case, on 23.03.2016 one Sakharam was murdered. Subsequently it was revealed that the applicant has committed murder of Sakharam on the ground that he used to switch of the electricity while his wife was in the company of others and doubting the character of his wife Smt. Parvati Jangade and thereby the offence has been committed.
3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed on merits on 5-9-2016 on the basis of extra judicial confession made before Parvati and she has examined in this case and she has not supported the case of prosecution...He would further submit that on 23-3-2016 one dead body of Sakharam was found. Subsequently it reveals that present applicant had killed Sakharam for the reason that certain persons were having some illicit relation with the wife of the present applicant and when the said persons

used to visit the house of the present applicant, the lights were being turned off by Sakharam through transformer of the village. Consequently, the applicant committed murder of Sakharam. He would further submit that out of total 26 witnesses, 12 witnesses have been examined and they have not supported the case of prosecution, charge-sheet has been filed and the applicant is in jail since 12-4-2016 and no further investigation is required, therefore, the applicant may be released on bail.

4. Per contra, learned State Counsel opposes the bail and would submit that out of total 26 witnesses only 12 witnesses have been examined and Investigating Officer is still to be examined.
5. Perused the case diary and the documents annexed to the bail application.
6. From perusal of the documents, It appears that out of 26 witnesses, 12 have been examined and Investigating Officer is still to be examined, therefore, at this stage, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application.
7. Accordingly, the instant bail petition is also liable to be and is hereby dismissed.

Sd/-

(GOUTAM BHADURI)
Judge

Raju