

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 980 of 2018

Jhaduram S/o Rameshwar Sahu Aged About 36 Years R/o
Village Rohima, Police Station And Tahsil Rajim District
Gariyaband Chhattisgarh, District : Gariyabandh,
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police
Station Rajim, Civil & Revenue District Gariyaband
Chhattisgarh, District : Gariyabandh, Chhattisgarh ---
Respondent

For the applicant	:	Mr. Pushpendra Kr. Patel Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.04.2018

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.15/2017 registered at Police Station Rajim, Distt. Gariyaband (C.G) for the offences punishable under Sections 302 IPC.
2. As per the prosecution case, on 17.01.2017 the applicant has committed murder of his sister-in law (Bhabhi) on a dispute relating to supply of water to the land and while he was going to Police station, he met one Dhani Ram before whom, he confessed to have committed the crime.
3. Learned counsel for the applicant submits that this is second bail application and the first bail application was dismissed on 11.5.2017 on merits. He submits that witness Dhaniram has been examined before the Court and has turned hostile and there is no eye witness to the incident , therefore, the

applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. .
5. Considering the statement of Dhaniram and other witnesses, at this stage, it would not be appropriate for this Court to give a finding for consideration of bail as it would amount to usurping the power of trial Court. It is for the trial Court to adjudicate the matter after appreciating the entire evidence and hearing the arguments of the counsel for the parties on merits. Therefore, this Court is not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**