

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2214 of 2018**

Santosh Kumar Sahu, S/o. Hirau Ram Sahu, Aged About 25 Years, R/o. Ward No.19, Bhatapara, Kandul, P.S. Arjunda, District- Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, P.S. Arjunda, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate
For State/respondent	: Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/05/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.228/2017, registered at Police Station – Arjunda, District – Balod (C.G.), for the offence punishable under Section 302, 201, 449, 342 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. Applicant is in jail since 27.11.2017 and charge-sheet has been filed after completion of investigation. No case is made out on the basis of the material present in the charge-sheet. The memorandum statement recorded of this applicant is not a legally admissible in evidence. There is no eye-witness and neither there is any circumstantial evidence against this applicant, hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect and it is submitted that no case is made out for grant of bail against this applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case this applicant had one sided love affair with the deceased Lukeshwari Sahu. It is alleged that on the date of incident this applicant had been to the house of the deceased to meet her, when she was alone. The deceased was wearing locket, this applicant asked as to who has given this locket. On refusal of the deceased to disclose about the gift, this applicant strangled the deceased with her *Dupatta* and then to camouflage the incident as a case of suicide, he hanged her on noose. After lodging of morgue intimation, FIR has been lodged and the case has been investigated.
6. Considered the submissions and the contents of the case diary. According to the investigation made, the scene of crime clearly shows that it is not a case of suicide. There are witnesses, who have stated that the deceased had complained about the conduct of this applicant and also a witness, who saw the applicant in the morning on the date of incident, there are number of other witnesses also to be examined. Looking to the nature of offence committed in this case, I do not feel inclined to exercise the discretionary power in favour of this applicant, hence, this bail application is deserves to be and it is hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge