

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5844 of 2018**

Trishul Kushwaha S/o Shivilal Kushwaha Aged About 28 Years R/o-
Village Silfili, P.S. Jainagar Tahsil And District- Surajpur, Chhattisgarh.,
District : Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, P.S.
Baikunthpur, District- Koriya, Chhattisgarh., District : Koriya
(Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.R. Sinha, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**22/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.73/2017 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 364, 368, 302, 201, 419 of IPC and 3(2)(5) of SCST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that deceased Laxmi Singh was aged about 21 years old. Applicant impersonated himself as Rahul Singh. He married with Laxmi Singh. On 17/06/2016 he took the prosecutrix to Rakashnanda Waterfall. Applicant returned back but deceased Laxmi Singh was not returned back. During the enquiry applicant told that deceased had gone somewhere.
4. Counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, there is no postmortem report of

deceased Laxmi Singh and charge-sheet has been filed therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He further submits that dead body of Laxmi Singh has not been recovered.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde