

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6043 of 2018**

Rohit Kumar Sahu, son of Shri Pitambar Sahu, aged about 29 years, R/o Village Tata, Police Station Sarsiwa, Civil and Revenue District Baloda Bazar-Bhatapara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sarsiwa, Civil and Revenue District Baloda Bazar Bhatapara (CG).

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.111/2018 registered in Police Station Sarsiwa, District Baloda Bazar-Bhatapara for the offence punishable under Section 302 of IPC.
3. Case of the prosecution, in brief, is that the deceased Ghasiram Sahu was working on the post of Lineman and posted at Department of Electricity, Sarsiwa. On 19.04.2018 at about 3:00 pm, the deceased went to join his duty, but he did not return back in his house. On 20.04.2018, the dead body of deceased was found in village Tata. Injuries were found on the body of the deceased. One dotted towel and one belt were wrapped on his neck.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer

for grant of bail to the applicant. He would further submit that no criminal antecedent reported against the applicant in police case diary.

6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.

7. There is an extra judicial confession of the applicant. The wife of the applicant had identified the alleged towel and belt, which was used by her husband.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Consequently, the bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-