

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6155 of 2018**

- Abhinav Pandey S/o Rajeshwari Pandey Aged About 21 Years R/o- Q. No. 2, A. Road 52, Bhilai, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Bhilai 3 District- Durg, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Amit Kumar, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 200/2017 registered at Police Station – Bhilai 3, District – Durg (C.G.) for the offence punishable under Section 302/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that there was a love affair between the wife of the deceased Sanjay Kumar and the applicant, on account of which the deceased had beaten his wife and applicant also. On account of which applicant and coaccused Indar Singh @ Shanni, Palvindar Singh @ Chhotu on 06.06.2017 in night near Hatkhaj Engineering Park caused injuries on the body of the deceased by knife and pressed his head with stone. Ultimately the deceased succumbed.

4. Learned counsel for the applicant argued that there is no specific date of alleged beating by deceased. The wife of the deceased had stated in her statement recorded under Section 161 Cr.P.C. that she does not know who killed her husband. The applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the call record regarding talking of the applicant and deceased seized by the police and other circumstances that on the memorandum of the applicant one knife and one shirt have been seized, looking to the seriousness of the offence, 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.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE