

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6504 of 2018**

Saheb @ Sahil S/o Shri Punit Vishwakarma Aged About 22 Years R/o-
Sakinan Baigapara Changorabhata, Raipur, District- Raipur, CG

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
City Kotwali, Raipur, District- Raipur, CG

---- Respondent

For applicant	Mr. Y.C. Sharma, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-12-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 97/2017 registered in police station City Kotwali, Raipur (CG) for offence punishable under Section 363, 302, 201/34 of the IPC.
3. Prosecution story in brief is that on 12-03-2017 in the morning at village Sambalpur in main canal, a dead body was floating on the water. Later, the dead body was identified as of Yamini Soni. As per statement of Ku. Vineeta Yadav recorded under Section 161 of the Cr.P.C. she had seen the applicant and the deceased Yamini together. The applicant told her on telephone that he has murdered the deceased by throttling and thrown down her in the water. As per the statement of Vimal Soni who is father of the deceased recorded under Section 161 of the Cr.P.C., the applicant admitted that the deceased was in his company.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail. He further submits that Ku. Vineeta Yadav has not been cited as prosecution witness in the charge sheet. Thus, no waitage can be given to her police statement.
5. On the other hand, the State Counsel opposed the bail application.
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, and further considering that if some witness is not cited as a prosecution witness in the charge sheet, then he may be produced as a witness in the Court with the permission of the Court, this Court is not inclined to grant bail to the applicant.

7. Consequently, the MCRC is dismissed.

Df/-
(Sharad Kumar Gupta)
Judge