

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7194 of 2018**

- Chamar Rai Sahu S/o Sukaloram Sahu Aged About 63 Years R/o Village Jenjra, Police Station Rajim District Gariyaband CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajim District Gariyaband CG

---- Respondent

For applicant	Mr. Syed Imtiyaz Ali, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27-10-2018

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. 119/2018 in police station Rajim, Distt. Gariyaband (CG) for offence punishable under Section 302, 301 of the IPC.
3. Perused the case diary.
4. Prosecution story in brief is that applicant is husband of the deceased. His first wife is Krishnabai. On 14-4-2018, Vishnu received an information that in previous night his sister/deceased has died due to heart attack. He went to attend her cremation. He found that there was bleeding from her nose and ears. On query, the applicant told that on account of quarrel he caused death of deceased by throttling.
5. Counsel for the applicant argued that he is innocent and falsely implicated hence he may be released on bail. He further argued that alleged extra judicial confession before Vishnu and Lakhanlal are not admissible in evidence.
6. Prima facie at this stage, it cannot be said that the aforesaid alleged extra judicial confession is not admissible in evidence. As per PM report, death of the deceased was homicidal according to circumstances as evidence suggested, cause of death was asphyxia.
7. On the other hand, the State Counsel opposed the bail application. However no criminal incident is reported against in the case diary.

8. 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.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge