

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7940 of 2017

- Bholeram @ Jeewan Srivas N A I S/o Chotelal Srivas Nai, Aged About 27 Years Village Semra Near Bajarpara, Police Station Pasan, District Korba Mb. 8120227245, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pasan, District Korba, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr.Vijay K. Deshmukh, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.15/2017, registered at Police Station– Pasan, District– Korba(C.G.) for the offence punishable under Section 302 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him on the basis of the material present in the charge-sheet. Further, the witnesses who have been examined before the trial Court have also not supported the case of prosecution. Hence, it is prayed that he is entitled for grant of bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient evidence in

the investigation as well in the trial against this applicant to show that it is the applicant who had committed the murder of his wife (deceased). Hence, he is not entitled for grant of bail.

4. Heard both the parties and perused the case diary.
5. According to the case of prosecution on the date of incident, applicant assaulted his wife Saroj with a club causing fatal injuries to her which resulted in her death.
6. Perused the copy of statement of witnesses filed along with application and looking to the statement of the witnesses before the trial Court, it appears that it is not a case of total hostility of witnesses, hence, involvement of applicant in the crime in question shall be determined by the trial Court itself and at this stage, the applicant cannot be given benefit of any witness turning hostile. For this reason, I am not inclined to grant bail of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge