

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8177 of 2017

- Jageshwar Manikpuri @ Jagesh S/o Budhram Manikpuri Aged About 30 Years R/o Village Kongera P. S. Vishrampuri, Revenue And Civil District Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Vishrampuri, District Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

01.03.2018

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 charge-sheet provided by the learned counsel for the State in connection with crime No. 67/2017 registered at Police Station – Vishrampuri, District - Kondagaon (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
3. Case of the prosecution, in brief, is that the deceased Poonam Manikpuri wife of the applicant died on 01.08.2017 near about 09:30 p.m. The deceased phoned her sister Laxmi Manikpuri and narrated that the applicant has beaten her badly and also throttled her neck.

Laxmi Manikpuri inquired the same from the applicant, who told that he has beaten the deceased. The deceased was admitted in hospital where she died.

4. As per the postmortem report the cause of death of the deceased is asphyxia due to fracture of hyoid bone, death is homicidal in nature.
5. The charge-sheet has been filed and the matter is pending before the Sessions Judge, Kondagaon. The applicant is in custody since 04.08.2017.
6. Learned counsel for the applicant submits that there is no clinching evidence in record, no eye witness, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Looking to the facts and circumstances of the case, 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.
9. Consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE