

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 85 of 2019

- Naresh Kumar, S/o Cheedulal Khunte, aged about 25 years, Caste Satnami, Occupation Labour, R/o Village Orda, P.S. and Tahsil-Kharsiya, District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station – Kharsiya, District- Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Avinash K. Mishra, Advocate.

For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/01/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 186/2018, registered at Police Station Kharsiya, District- Raigarh (C.G.) for the offence punishable under Sections 302 & 201 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of some material witnesses before the Trial Court vide order dated 20.08.2018 passed in MCRC No. 5345/2018.
3. As per prosecution story, the Applicant is the husband of the deceased Tijmal Bai. On 28.03.2018, the dead body of the deceased was found in hanging condition in the house of the

applicant. Allegedly there was some dispute have taken place between the deceased and the applicant and the applicant was also used to doubt in her wife's/deceased character. Due to this, he threw his wife to death and later tied her dead body with a sari and hung it. After enquiry, on the basis of evidence, offence has been registered against the applicant. The applicant is in custody since 02.04.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. There is no direct evidence available on record against the applicant. He further submits that till date total 8 witnesses have been examined before the Trial Court, the Applicant is in custody since 02.04.2018, charge-sheet has already been filed and trial will take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution without further commenting on merits of the case, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge