

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 311 of 2019**

Sandip Gadhewal S/o Ghanshyam Gadhewal Aged About 23 Years R/o
Rajiv Gandhi Chauk Jarhabhata Tahsil And District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Line District
Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajkumar Gupta, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.267/2017 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence punishable under Section 302 of IPC.
3. Case of the prosecution, in brief is that on 09/04/2017 at Talapara Bilaspur the dead body of the deceased Shakuntala Pandey was found in front of her house. Injuries were found on her head.
4. During the investigation it was found that some witnesses had seen that applicant was beating deceased by iron pipe.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. Counsel for the applicant further submitted that alleged eyewitness Sunita Mishra has not examined by the trial Court so many opportunities had been given for her appearance. Memorandum and seizure witnesses

have turned hostile, thus he may be released on bail.

8. Becoming hostile of memorandum and seizure witness is not insufficient ground to release the accused on bail.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde