

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2531 of 2019**

Ganesh Sinha, S/o Shri Firanta Sinha, aged about 57 years, R/o Village Khapari, Thana Pipariya, Civil and Revenue District Kabeerdham (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Pipariya, District Kabeerdham (CG).

---- Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.361/2018 registered in Police Station Pipariya, District Kabeerdham for the offence punishable under Sections 302, 201 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 25.12.2018 at village Khapari in the house of applicant, dead body of deceased Smt. Dhanni Bai was found. Injury was present on her head. The applicant is father-in-law of deceased. As per postmortem report of deceased, the mode of death was haemorrhagic shock cause due to head injury and excessive haemorrhage. Nature was homicidal. On the memorandum of applicant, one piece of stone and one shirt having blood like stains were seized from him.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that after five days from the alleged incident, memorandum was recorded and there is no RFSL report regarding human blood and blood group. These circumstances are sufficient to enlarge the applicant on bail.
5. On the other hand, counsel for the State opposed the bail application. She submitted that previously no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, *prima facie* looking to the material available on record against the applicant, looking to the seriousness of the offence and 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. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE