

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3117 of 2019

- Ghanshayam Verma @ Raja Verma S/o Late Tejram Verma, Aged About 26 Years, R/o Village Grasim Cement Ravan, Police Station Suhela, District Balodabazar, Bhatapara, Chhattisgarh. Present Address Panchvati Nagar, Kapa, House of Sajjad Memon, Behind Dena Bank, Police Station Pandri, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Pandri, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-07-2018 in connection with Crime No.254/2018 registered at P.S. - Pandri, District Raipur, Chhattisgarh for the offence under Section 302 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The death of deceased Revati Patel had taken place on 01-07-2018 whereas the applicant was arrested on 06-07-2018. In the memorandum statement of the applicant it is stated that the applicant had strangled the deceased with cable wire, whereas, the postmortem report has expressed opinion that cause of death is suspected poisoning. The witnesses who have been so far examined have not supported the prosecution case and have not made any statement against this applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is evidence present in the case against this applicant to prove his guilt. In absence of eye-witness there is chain of circumstantial evidence. The opinion in postmortem report is not conclusive for the death of the deceased which was unnatural, which shall be considered by the trial Court. Therefore, looking to the gravity of the offence, this applicant is not entitled for grant of regular bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the applicant and the deceased were in relationship for some time and were residing together in a rented house. The deceased went missing, regarding which a missing report was lodged by her brother. On 30-06-2018 dead body of the deceased was recovered from the rented house which was locked from outside, where the deceased and the applicant both used to reside. In memorandum statement the applicant has made admission of his guilt. Thereafter, the case has been investigated and charge sheet has been filed.

6. Considering that it is a case based on circumstantial evidence, therefore, it cannot be said that there is no evidence against the applicant. Therefore, I do not feel inclined to allow this application.

7. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge