

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4398 of 2019**

Suresh Sen S/o Ram Gopal Sen, 39 years, R/o Bazarpara, Radha Krishnan Ward, Bhairamgarh, Distt. Bijapur, Chhattisgarh.

---Applicant (in jail)

Versus

State of Chhattisgarh, Through P.S. Bhairamgarh, Distt. Bijapur, Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. Prafull N. Bharat, Advocate
For Non-applicant/State	:	Mr. Ravi Bhagat, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/09/2019

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 14/18, registered at Police Station- Bhairamgarh, Distt. Bijapur, for the offence punishable under Section 302, 294 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 13/02/2018, applicant along with another co-accused i.e. his wife murdered deceased Ramakant and thereby, committed the offence.
3. Mr. Prafull N. Bharat, learned counsel for the applicant submits that there is no overtact attributed to the applicant who is in jail since 27/03/2018 and no other family member is out of jail to look after his

minor child and the trial is almost at the verge of completion therefore, the applicant may be released on bail.

4. On the other hand, Mr. Ravi Bhagat, learned counsel appearing for the State submits that the applicant got hold of the deceased and thereafter, his wife assaulted the deceased Ramakant by crowbar by which the deceased suffered grievous injuries and died on 13/02/2018, as such, there is sufficient material available on record to connect the applicant with the crime in question.
5. Taking into consideration the nature and gravity of the facts and circumstances of the case and looking to the active role of the applicant in commission of the said offence, I do not consider it a fit case to release the applicant on bail. Accordingly, this second bail application filed by the applicant is hereby rejected.

**Sd/-
(Sanjay K. Agrawal)
Judge**

Harneet