

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4546 of 2019**

- Sheikh Golu @ Sahil S/o Sheikh Sahabuddin, aged about 21 years, R/o Circus Ground, Station Ward, Police Station - Bhatapara (City), Civil and Revenue District- Balodabazar- Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Bhatapara (City) Civil and Revenue District- Balodabazar- Bhatapara (C.G.)

---- Respondent

For Applicant. : Shri Kripesh G. Kela, Advocate.
 For Respondent. : Shri Sameer Sharma, Dy. G.A. for the State

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/08/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 01.09.2018 in connection with Crime No. 233/2018 registered at Police Station : Bhatapara (City) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, on 31.08.2018 complainant Chandani Dhruv lodged a complaint in the Police Station Bhatapara (City) stating that her husband i.e. the applicant came to house at about 8.30 PM and asked her to open the door and there was some delay in opening the door therefore, the applicant gave 2-3 fist blows on her back and

thereafter, snatched her daughter namely Ashiya from her and gave fist blow on her head and thrown her on the floor because of which blood was oozing from her mouth and nose. Thereafter, wife of applicant shouted and hearing the noise the neighbour Monu Dhruv took the wife of applicant to police Station and thereafter to hospital, where the child was declared dead.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The story was put forth by the prosecution is false because the child Ashiya was sleeping on the bed and she fell from the bed, due to which she died. He also submits that the applicant is in jail since 01.09.2018. The prosecution witnesses have not supported the prosecution story, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the statement of the witnesses, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge