

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.5611 of 2019**

- Santosh Dewangan son of Bal Mukun Dewangan, aged about 48 years, resident of Nayapara, Durg, P.S. and District Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Arjunda, District Balod Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Patel Advocate.
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 50/2019 registered at Police Station - Arjunda District Balod (C.G.) for the offence punishable under Sections 452, 307-B, 307, 34 of IPC and Section 25 (1-B)(A), 27 of Arms Act and Sections 4,5 of the Tonahi Pratarana Nivaran Act 2005.
- The prosecution story, in brief, is that the present applicant entered the house of Bhagwat Dewangan and opened fire from pistol on his wife by using word of Tonahi. On the basis of complaint made by the complainant, police has arrested the applicant and registered the case against him.
- Learned counsel for the applicant submits that the

applicant is innocent and has been falsely implicated in the case. Charge-sheet has already been filed. The applicant is jail since 21.03.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State opposes the bail application submitting that the applicant intentionally opened fire on her wife to kill her. Owing to the firing, she got injured. The applicant did a very heinous crime so it is not a fit case to release him on bail.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, this Court is of the view that it is not a fit case to release the applicant on bail.
- Accordingly, the application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge