

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7505 of 2019

Jagannath Ratre S/o Shri Ramawtar Ratre Aged About 28 Years R/o Bhursuda, Mini Basti Police Station Tilda Neora, District Raipur, Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through the Police Station Chura, District Gariyabandh, Chhattisgarh. --- **Respondents**

For the applicant	:	Mr. Anjinesh Shukla, Advocate.
For the Respondent	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2019

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.192/2017 registered at Police Station Chura District Gariyabandh (C.G) for the offences punishable under Sections 302, 201, 34 of IPC.
2. The first bail application was dismissed on 31.10.2018.
3. As per the prosecution case, on 31.08.2017, dead body of a lady was found in a forest with an injury on head and one hand was missing. Subsequently it was identified as the dead body of the wife of the applicant. The applicant who was the husband was arrested on the basis of extra judicial confession and circumstantial evidence.
4. Learned counsel for the applicant would submit that one Jageshwar Prasad Nirmalkar who is a sole witness of extra judicial confession was examined and he has not supported the case of prosecution and has turned hostile. Similarly

there is no evidence on record to directly connect the directly with the offence and it is only on presumption, he was arrested.

5. Per contra, learned State Counsel opposes the said argument of the applicant.
6. Perused the documents as also the statement of Jageshwar Prasad who has been examined. According to the State also no other witness of extra judicial confession is available except Jageshwar Prasad. It appears that this witness has not supported the case of prosecution has turned hostile Therefore, taking into consideration such fact and without any observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao