

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9815 of 2018**

Kaushal @ Konda Tigga, son of Sohana Tigga, aged about 40 years, R/o village Beljora, Hokdopara, P.S. Seetapur, Tahsil Seetapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Seetapur, Civil and Revenue District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Devershi Thakur, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.93/2018 registered in Police Station Seetapur, Civil and Revenue District Surguja for the offence punishable under Section 302 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant is the husband of deceased Jayanti Bai. On 09.07.2018 at about 2.00 p.m. dead body of deceased Jayanti Bai was found near Tuthamuda pond at village Beljora. As per postmortem report, death was occurred due to asphyxia caused by strangulation. Death was homicidal nature. It is alleged that the appellant used to beat the deceased after consuming liquor. On the memorandum of applicant, one half T.shirt having blood like stain was seized from the possession of applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that there is no motive for causing the alleged murder of deceased by the applicant and as such he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to material available on record, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE