

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9989 of 2018**

Ravi Sharma S/o Shri Pawan Kumar Sharma, Aged about 41 years R/o Malvi Nagar, 9/1, PS Vijay Nagar, Distt. Indore (M.P.)

Current Address DW/04, Sandeep Bais's House, Indraprastha Colony, Raipura, PS: DD Nagar, Raipur, Distt. Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through the Police Station DD Nagar, Distt. Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Triapthi and Mr. N. Naha Roy, Advocates
For Respondent	:	Mr. Sumit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/02/2019

1. The Applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 183/2018 registered at Police Station DD Nagar, Distt. Raipur (C.G.) for the offence punishable under Section 302 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, 1959.
2. In this case, the Applicant is husband of Deceased Reena Sharma. As per prosecution case, the Applicant was in suspect that his wife has illicit relation with one Abhishek Parmar. On 15/06/2018, the Deceased told the Applicant that she is going to her maternal house. The Applicant followed her. On the way, the Deceased got seated Abhishek Parmar in her car. The Applicant, who was following her,

stopped the car and made a quarrel with the Deceased. He assaulted the Deceased by knife. When, Abhishek tried to intervene, he was also assaulted by the Applicant. A report was made by Abhishek Parmar. On the basis of the said report, offence has been registered. During investigation on the basis of memorandum statement of Applicant one knife containing blood stains has been seized from the possession of the Applicant. The Applicant has been taken into custody on 28/06/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated. He is innocent. He further submits that in this case there are two eye-witnesses namely Abhishek and Shyam Chironjilal (driver of the car). Both have already examined before the trial Court and they have not supported the case of the Prosecution, and have turned hostile. Apart from this, both the witnesses of seizure and memorandum have also been examined before the trial Court and they also have not supported the case of the prosecution, and have turned hostile. Though one knife has been seized from the possession of the Applicant which contained human blood, there is no Serologist report available on record. Therefore, the seizure of the said knife does not support the case of the prosecution. Apart from above, there is no evidence against the Applicant. He further submits that trial is going on and it will take time, therefore, the Applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that both the eye-witnesses have not supported the case of the prosecution during their Court evidences, both the witnesses of seizure have not supported the case of the Prosecution and there is no serologist report available on record, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs.25000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel