

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3468 of 2020

- Lachhram @ Chhote Lal Sahu, Aged about 22 years, S/o Samhan Prasad Sahu, R/o Vill- Bhaiso, P.S. Pamgarh, District Janjgir Champa (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Pamgarh, District Janjgir Champa (CG)

---- Respondent

 For Applicant : Shri Ravindra Sharma, Advocate
 For Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20.07.2020

1. Heard.
2. Admit.
3. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 287/2019, registered at Police Station, Pamgarh, District Janjgir Champa(CG) for the offence punishable under Sections 302, 201 of the IPC.
4. First bail application of the applicant was dismissed as withdrawn on 17.1.2020 with a direction to the trial Court to expedite the trial as early as possible, preferably within a period of six months.
5. As per the case of prosecution, on 26.6.2019, wife of the deceased namely- Chitrlekha Nirmalkar has lodged a report

against unknown person that on 25.6.2019 she along with her daughter was sleeping in her house and her husband- Khikhram Nirmalkar was sleeping on the terrace. After attending the call of nature at about 12.00 in the night, her husband came back and again went to sleep on the terrace and in the morning of 26.6.2019 at about 5.30 am, when she went to wake up her husband, she found that somebody has killed her husband by cutting his neck with a sharp edged weapon. During investigation, on memorandum of the applicant he has been arrested.

6. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the weapon of offence i.e. Tangia has been seized from an open place and though charge sheet has been filed, but the FSL report has not been filed till date. He next submits that prosecution witnesses have been examined and they have not supported the case of prosecution and there is no incriminating evidence against the applicant. He submits that the applicant is in jail since 28.6.2019, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has been arrested on his memorandum statement and the weapon of offence i.e Tangia has also been seized at his instance from the pond.

8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature and gravity of offence and further considering the fact that the weapon of offence i.e. Tangia has been seized at the instance of the applicant, I am of the opinion that present is not a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/-

(Rajani Dubey)
JUDGE