

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3873 of 2020**

- Shyam Lal S/o Late Jawahar, aged about 35 years, R/o Village Namadgiri, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station, Jainagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Dasrath Kushwaha, Advocate.
For Respondent/State	:	Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.08.2020**

1. Heard on admission.
2. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 43/2020 registered at Police Station : Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 302 & 201 of the IPC.
3. The allegation against the present applicant, as per the prosecution case, is that despite being already married, he had illicit relations with the deceased and when the deceased forced her to marry, applicant took her near the forest and committed murder with the help of scarf and hanged her dead-body from the tree. After completion of investigation, offence has been registered against the applicant and he has

been arrested.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is three months' delay in filing the FIR which raise serious doubt about the case. He further submits that the applicant is in jail since 12.2.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
5. On the other hand, State counsel strongly opposes the bail application and submits that on the basis of memorandum statement of the applicant, relevant articles have been seized at the same place indicated by the applicant, therefore, looking to the gravity and nature of the crime the applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature and gravity of the case, detention period of the applicant, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected at motion stage itself.

**Sd/-
(Rajani Dubey)
Judge**