

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5543 of 2020

1. Kalamkit S/o Vidayadhar Aged About 34 Years Caste- Rauat R/o Village- Kolehenjhariya, Police Station- Tumla, District- Jashpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through- Station House Officer, Police Station- Tumla, District- Jashpur (C.G.).

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Shri Rakesh Sahu, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/11/2020

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No. 49/2020, registered at Police Station Tumla, District- Jashpur (C.G.) for the offence punishable under Sections 302 & 201 of IPC.
- 2) Allegation against the applicant is that on 27/09/2020, the applicant has committed murder of deceased Laxmi Bai.
- 3) Learned counsel for the applicant submits that in this case 5 witnesses of prosecution are examined and looking to the statement of PW-05 Ramlal Vaidya, no case under Section 302 of IPC is made out against the appellant. He further submits that the applicant has been falsely implicated in this crime. He is in custody since 01/09/2019 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State

opposes the bail application.

- 5) I have heard the learned counsel appearing for the parties and perused the case diary.
- 6) Taking into consideration the facts and circumstances of the case, as per the depositions of the 5 witnesses recorded and trial is commenced and looking to the evidence already recorded before Trial Court and death of wife of applicant due to burn injury and allegation made against the applicant that she was set on fire her wife, therefore in this stage the evidence recorded by Trial Court cannot be appreciated for granting bail on merits, this Court is of the opinion that present is not a fit case to release the applicant on bail. Accordingly, the application is rejected.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant