

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5714 of 2020**

- Kumer Ram Khadiya, S/o Shilbanus Khadiya, aged about 52 Years, Caste - Khadiya, R/o Village Kolehenjhariya, Police Station Tumla, District Jashpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Tumla, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Sanjeev Kumar Sahu, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

25/11/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 21.05.2019 in connection with Crime No.28/2019 registered at Police Station- Tumla, District Jashpur, C.G. for the offence punishable under Sections 302, 201 of Indian Penal Code.
2. Allegation against the present accused/applicant is that applicant assaulted upon her wife by hands and kick, as a result of which she sustained injuries on her body and during treatment she died in the hospital. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 21.05.2019, conclusion of the trial is likely to take some time and, therefore, the applicant be released on bail by imposing suitable conditions.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the gravity of the offence, in particular the fact that there is direct evidence showing involvement of the applicant in the crime in question, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case for grant of bail to the applicant.
6. Accordingly, the application MCRC No.5714 of 2020 is rejected.

Sd/-
Gautam Chourdiya
Judge