

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5713 of 2020

Tuka Ram S/o Mahesh Aged About 42 Years R/o Ganiyari, Police Station - Pulgaon, Tahsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - The Police Station - Pulgaon District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.N. Pandey, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2020

1. The applicant is arrested in connection with Crime No.64/2020 registered in Police Station -Pulgaon, District-Durg (CG) for alleged commission of offence under Sections 302, 201 IPC.
2. Case of the prosecution, in brief, is that the applicant entered into quarrel and murdered his wife by using a sickle and she was beheaded.
3. Learned counsel for the applicant would submit that the applicant has been arrested and made accused only on suspicion. Nobody has seen the incident. Only because the applicant and his wife were seen going to their agricultural field, it cannot be said that the applicant would have murdered his own wife. Learned counsel for the applicant further submits that recovery on the basis of memorandum given by the applicant is concocted document and it is also not a case of last seen together.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that involvement of the applicant in the alleged commission of

offence is based on circumstantial evidence that the deceased was found dead in her own agricultural field where the applicant and his wife had gone for agricultural work. Thereafter, the deceased was not seen in anybody's else company. Conduct of the applicant was doubtful as after the incident, the applicant did not go back to house and later on, he was taken into custody. The weapon used for commission of offence was seized on the basis of memorandum statement given by the applicant. Some of the prosecution witnesses have also stated regarding extra-judicial confession.

5. Taking into consideration the submissions made by learned counsel for the parties, considering the nature and gravity of allegation and the material available against the applicant brought by way of charge sheet based on circumstantial evidence present is not a fit case for grant of bail.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge