

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6536 of 2020**

Gyan Chand Baghel, S/o Santram Baghel, Aged About 32 Years, R/o Village Mahmara, Police Station Out Post Anjora, Police Station-Pulgaon, District- Durg (C.G.) Presently residing at Village Kakrel, Police Station- Somni, District- Rajnandgaon (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through, District Magistrate, District-Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
Respondent/State	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/10/2020**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 77/2019, registered at Police Station– Somni, District– Rajnandgaon (C.G.) for the offence punishable under Section 302 of the I.P.C.
2. The first bail application MCRC No. 4932/2019 was dismissed as withdrawn on 17.09.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 15.04.2019 and has been falsely implicated in this case. Almost all the witnesses have been examined in the trial and

there appears to be no case against this applicant. Copy of depositions has been filed along with the application for perusal of this Court. The counsel has referred to deposition of PW-1, PW-3 & PW-14 and stated that the prosecution has failed to establish any case against this applicant. Hence, it is prayed that this applicant may be enlarged on bail

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in that respect. It is submitted that the case against this applicant is based on circumstantial evidence. There is evidence regarding extra judicial confession as well as burden of the applicant under Section 106 of the Evidence Act, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution against this applicant is that the deceased- Kamla Bai was his wife, who was found dead in the house where she and the applicant resided, on the date of incident. In post mortem report, it is mentioned that death of the deceased was homicidal. The case has been investigated by the police officer after lodging the FIR.
7. Considered on the entire material in this case against this applicant and also perused the copy of depositions filed by the applicant. It is not for this Court to make analysis of the

prosecution evidence and draw conclusion. Evidence has been led by the prosecution on all the points in the trial, which shall be appreciated and decision shall be given by the trial court itself, therefore, presently I am of this view that this applicant does not deserve to be granted bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge