

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7137 of 2020

- Ravi Kerketta S/o Shri Om Prakash Kerketta, Aged About 29 Years, Cast Resident of Khatik Para, Namnakala, Police Station Ambikapur, Revenue and Civil District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station (Sadar) Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Sandeep Dubey, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-06-2017 in connection with Crime No.363/2017 registered at P.S. - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 302 of the IPC.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 26-06-2017. Most of the important and material witnesses have been examined in the trial who have not supported the prosecution case. The trial against the applicant has come to standstill because of the suspension of normal functioning of the Courts. The applicant has also established his defence of alibi in the trial. Hence, it is a case of no evidence against him. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the submission made by learned counsel for the applicant and submits that the case against the applicant is based on circumstantial evidence and there is evidence present in the statement given by the witnesses, to show that the applicant has

committed offence of murder of his own wife. Therefore, the applicant is not entitled for grant of bail.

4. In reply, it is submitted by learned counsel for the applicant that certified copy of deposition of all the witnesses have been filed for perusal of this Court, which may be perused by this Court before considering on the application for grant of bail.

5. Heard learned counsel for the parties and perused the documents.

6. According to the prosecution case, deceased Archana Kerketta was wife of the applicant, who was strangled to death by this applicant on the date of incident, regarding which investigation has been made and charge sheet has been filed.

7. Considered on the submissions and the facts of the case. The case against the applicant is based on circumstantial evidence. The deposition of the witnesses so far examined cannot be appreciated by this Court to draw any conclusion or to comment upon merit of the case, as that would be prejudicial to the trial, that is still going on before the trial Court. However, looking to the case that is present against the applicant according to the material and the charge sheet filed against him, I am of this view that it is not a fit case for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge