

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7686 of 2020**

- Shekh Fariduddin S/o Shekh Nisharuddudin(Not Mention In Order Sheet) Aged About 29 Years By Caste Muslim R/o Village Bhiragaon, Tahsil Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Throug Police Station Durgukondal District Uttar Bastar Kanker, Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.
For State : Mrs. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****15-12-2020**

1. Heard
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in custody in connection with Crime No. 105 of 2020 registered in Police Station- Bhanupratappur, District U.B. Kanker (CG) for alleged commission of offence under Section 302 of IPC..
3. Case of the prosecution, in brief, is that the applicant killed his wife by strangulation and committed murder on the dispute between the applicant and deceased over meal.
4. Learned counsel for the applicant submits that there is no eye-witness account to the incident and the case of the prosecution is based on false statements of mother and father of the applicant

who have allegedly stated that the applicant confessed before them that he strangled his wife, except this, there is no other material to show that the applicant was involved in murder of his wife, therefore, looking to such weak circumstantial evidence collected against the applicant, after filing of the charge-sheet, the applicant may be granted bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that prima facie a case is made out because dead body of the wife of the applicant was found in the house of the applicant in presence of the applicant and his children and the parents of the applicant themselves stated that the applicant made extra judicial confession before them.
6. Considering the nature and gravity of the allegation, material collected by the prosecution including extra judicial confession, wife of the applicant died in the matrimonial house and post-mortem report, prima facie, shows that death of deceased is homicidal in nature, I am of the opinion that present is not a fit case to grant bail to the applicant.
7. Accordingly, the application is rejected.

(Manindra Mohan Shrivastava)

Judge

Raju