

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8080 of 2019**

Rajjab Mansuri Son Of Shri Kuddus Mansuri Aged About 38 Years
Occupation- Cycle Shop, Resident Of Village Sonpur, P.S. And Tahsil
Ambikapur, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The District Magistrate, Surguja
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash K. Mishra, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.02.2020**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 20.8.2019 in M.Cr.C. No. 3862 of 2019. The applicant has been arrested in connection with Crime No.218 of 2018, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 302, 201 and 203 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. There is no evidence present in the charge-sheet to show that this applicant has committed the offence of murder. Dr. B.C. Paikra (PW-2), who conducted the autopsy has

been examined before the trial Court, has admitted in cross-examination that the death of deceased was accidental. The applicant is in jail since 2.5.2019 and the trial against him is getting delayed. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case based on circumstantial evidence. Deceased – Shamma Parveen was wife of this applicant who informed the police on 3.3.2018 that his wife has died because of the injury she suffered by falling from stairs. When postmortem was conducted in the inquest procedure, the doctor opined that the deceased has died because of strangulation and a ligature mark was also found in the neck of the deceased, therefore, the investigation shows culpability of the accused. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant reported to police that his wife has died due to injuries that occurred due to fall from stairs. The inquest report is otherwise with finding that the death of the deceased was homicidal. The investigation has also revealed that the incident has happened in the privacy of the house of the applicant, therefore, there is circumstantial evidence present against the applicant which needs to be examined before the trial Court. Hence, it is not a fit case for grant of regular bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi