

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 809 of 2021

1. Bharat Sahu S/o Dilbandhu Sahu, Aged About 27 Years, By Caste Teli, R/o Village Rairumakhurd, Police Station And Tahsil Dharamjaigarh, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Dharamjaigarh, District Raigarh (C.G.).

---- Non-applicant

For Applicant	: Shri Ajeet Kumar Yadav, Advocate.
For Respondent/State	: Shri Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/03/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No. 167/2020, registered at Police Station Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
- 2) Case of the prosecution, in brief is that applicant was married with Baby Sahu (deceased) in the year 2012 and out their wedlock two children were born. There used to be frequent quarrel between the applicant and his wife over trivial issues, for which village meetings were convened 2-3 times. Allegation against the present applicant is that on 08/09/2020 he had quarreled with his wife and in the said process he assaulted on her head with a club and on her chin with a heavy stone and also strangulated her to death with the help of Scarf (*Gamcha*).

- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant was arrested merely on the basis of suspicion. He submits that the applicant is in jail since 09/09/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) I have heard the learned counsel appearing for the parties and perused the case diary.
- 6) Considering the facts and circumstances of the case, the manner in which the offence is alleged to have been committed, the eye witness account of daughter of the applicant and the deceased namely Anjali and the statements of other eye witnesses the nature of injuries found on the body of the deceased as well as her cause of death i.e. asphyxia due to strangulation in the Postmortem report, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant