

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1406 of 2021

Tulsidas Bairagi S/o Purandas Bairagi Aged About 41 Years R/o Village - Navrangpur, P.S. Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For applicant - Ms. Aditi Singhvi, Advocate.
For Respondent/State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/02/2021

1. This is the second bail application under Section 439 of the Cr.P.C. The earlier bail application was dismissed as withdrawn on 14/12/2020 with liberty to revive the application after examination of Navdha Lal Kewat.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.372/2019 registered in Police Station Sakti, District Janjgir-Champa (C.G.) for offence punishable under sections 302 of IPC.
3. As per the prosecution case, the allegation against the applicant who is husband is that he has killed his wife namely Suman.
4. Learned counsel for the applicant submits that Navdha Lal Kewat has been examined and he has turned hostile and there is no eye witness in this case and only on the presumption the applicant has been arrested. She would further submit that the applicant has three children and no body is there to look after them, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Certain statement of the witnesses have been placed on record.

After perusal of the statement of witnesses the appreciation of evidence cannot be done at this stage. The averments to be evaluated by the trial court alongwith incidental circumstances. This court while hearing the bail petition cannot usurp the power of trial court. Considering the facts, this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE