

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1564 of 2021**

- Birendra Mishra @ Bablu S/o Ram Bilas Mishra Aged About 38 Years R/o Village Mishir Gaya, Mauganj, Police Station Naigarhi, District Rewa M. P. Present Address Q. No. 68/1, Near Ganesh Pandal Budhwari, Out Post CSEB Police Station Kotwali, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For State	:	Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****30/07/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.531/2019 registered at Police Station – Balconagar, Outpost - Rajgamar, District – Korba (C.G.) for alleged commission of offences under Section 302, 201, 120-B, 34 of IPC.
2. Prosecution case is that the applicant and co-accused committed murder of one Lalita Sharma.
3. This is 3rd bail application. Earlier two applications were dismissed as withdrawn.
4. Learned counsel for the applicant would submit that during trial, most important witnesses who were cited by the prosecution as witnesses of last seen namely Nirmala Binjhwaar (PW3), Sharda Sidar (PW4), Indra Kumar Chauhan (PW5), Sushila (PW6) and Sandhya Khairwar (PW7), all have been examined and none of them have supported the case of the prosecution. It is submitted that they are witnesses of last seen and some quarrel. It is submitted that so far, 12 witnesses have been examined

but these witnesses have not supported the case of the prosecution and remaining witnesses are mostly punch witnesses and recovery witnesses. It is also submitted that FSL report that shows presence of blood on the clothes of the appellant, does not prove group and origin of the blood.

5. Learned State counsel, on the other hand, opposes prayer and submits that applicant and co-accused are being tried for commission of heinous offence of murder. He would submit that many other prosecution witnesses are yet to be examined. It is also argued that the case is based on circumstantial evidence and therefore, unless all the prosecution witnesses are examined, it cannot be said to be a case of no evidence, particularly when the FSL report shows presence of blood on the clothes of the appellant.

6. Taking into consideration the submission of learned counsel for the parties, particularly, the nature and gravity of allegations, I am not inclined to grant bail to the applicant at this stage. The application is, therefore, rejected.

Learned Trial Court, however, is directed to conclude the trial within a period of four months considering the long pre-trial detention.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge