

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1682 of 2021**

- Kapil Ram Soni S/o Late Basant Ram Soni, aged about 40 years, by caste- Sonar, occupation- Agriculturist, R/o Village- Heth Khamhriya, Police Station & Tahsil- Bagicha, Distt. Jashpur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the SHO of police station Bagicha, District Jashpur, Chhattisgarh

-----Respondent

For Applicant	: Mr. Shubham Tripathi, Advocate on behalf of Mr. Awadh Tripathi, Advocate
For Respondent- State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****22/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 179/2020 registered at Police Station Bagicha, District Jashpur (C.G.) for the offence punishable under Sections 301, 201 of IPC.
2. Case of the prosecution is, that on 26.10.2020, merg was lodged by the present applicant mentioning therein that on 25.10.2020, he and his wife Bimla Bai consumed liquor. After consuming liquor, his wife Bimla went out of his house for going to the house of her son Vijay. After sometime, in the night itself, Bimla returned to her house and slept in her room after locking the room from inside. In the morning, at 5:00 am, when present applicant woke up, he saw his wife hanging by means of saree. He broke open the door and called villagers, intimated the incident to the police. Thereafter, upon post mortem, doctor opined the death due to strangulation. Based on the merg intimation and after receiving post mortem report, F.I.R. for the aforementioned offences was registered against the present applicant on

27.10.2020 and thereafter he was arrested.

3. Mr. Shubham Tripathi, learned counsel for the applicant submits, that Bimla Bai died on account of hanging. Present applicant and deceased Bimla consumed liquor in the night and only because the present applicant was present inside the house in the night of incident, he has been made accused. He submits that the statement of Ajay, Vijay and Dilip cannot be accepted at this stage because they are the interested witnesses being the sons of present applicant. Applicant is in jail since 27.10.2020 and the trial may take some time, hence, he may be enlarged on bail.
4. On the other hand, Mr. B.P. Banjare, learned State counsel, opposes the submissions made by the learned counsel for the applicant and submits that it is the applicant alone who was there inside the house in the night of incident being her husband. He submits that merg was intimated by the applicant showing the death by means of hanging. He also pointed out that prior to calling anyone, he himself broke open the door as per merg intimation, thereafter intimated the others and merg intimation was lodged by him. Post mortem report shows death was due to strangulation. He also referred the statement of Ajay, Vijay and Dilip to submit that there was continuous dispute between the applicant and deceased. Applicant was having suspicion on the character of the deceased which was the main cause of the dispute between them. He also stated that when the deceased was going to the house of Vijay, other persons namely Arun and Umesh, upon asking, applicant cried over the recent dispute between him and his wife (deceased). It is also submitted that they are independent witnesses, residents of village who stated that there was recent dispute in the evening between applicant and his wife, hence, applicant is not entitled for grant bail.
5. I have heard learned counsel for the respective parties.

6. Taking into consideration the nature of allegation, the fact that after committing murder by strangulation, body was hanged, as also considering the contents of merger intimation and the statement recorded under Section 161 of CrPC of Ajay, Vijay, Dilip, Arun and Umesh, I do not find it a fit case to enlarge the applicant on bail.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan