

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2256 of 2021

- Brinda Prasad Kori, aged about 52 years, S/o Late Bisahu Ram Kori, R/o – Jogipara, Pand, Thana – Sakri, Tehsil – Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – S.H.O., P.S. Sakri, District – Bilaspur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Neeraj Choubey, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

05.07.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 13.02.2020 in connection with Crime No. 30/2020 registered in Police Station Sakri, Bilaspur (CG) for the offence punishable under Sections 302 & 201 of IPC.
3. The first bail application of the present applicant was dismissed on merits vide order dated 02.02.2021 passed in M.Cr.C. No. 9349/2020 by this Court.
4. Case of the prosecution is that on 12.02.2020, the applicant has committed murder of his wife by throttling her and the dead body was found in the kothar of house of the applicant. Based on this, an offence has been registered and the applicant was arrested.
5. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that the statements of the seizure witnesses, memorandum witnesses have been recorded before the trial Court. He submits that the

police has arrested the applicant on the basis of memorandum statement whereas, the prosecution witnesses have not supported the prosecution case. He also submits that the applicant is in jail since 13.02.2020, charge has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.
7. Considering the facts and circumstances of the case, the fact that the first bail application of the present applicant was dismissed on merits by this Court vide order dated on 02.02.2021 in M.Cr.C. No. 9349 of 2020, the evidence recorded by the trial Court marked as Annexure-A/2 in present bail application can not be appreciated at this stage by this Court, therefore, I am not inclined to grant bail to the applicant.
8. Accordingly, this second bail application is dismissed.

Sd/-
(Gautam Chourdiya)
Judge