

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2441 of 2021**

- Sanjay Verma @ Sanju Verma S/o Madan Verma Aged About 37 Years R/o Village- Gadadih, P.S.- Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- P.S.- Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Shri Abhishek Pandey, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****26/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17.05.2019 in connection with Crime No.179/2019 registered at Police Station Khairagarh, District Rajnandgaon (CG) for the offence punishable under Section 302 of IPC.
3. As per the prosecution case, on 07.05.2019 the applicant doubting the character of his wife strangled her with a scarf (*Gamcha*) thereby she died due to asphyxia.
4. Learned counsel for the applicant submits that no evidence is available in this

case and only on the basis of presumption the applicant has been arrested. He would further submit that the considerable time has passed and the applicant is in jail since 17.05.2019, therefore, he may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that already 12 witnesses have been examined in this case, therefore, any finding by this Court may affect the trial.
6. Considering the fact that 12 witnesses have already been examined and any observation made by this Court may affect the trial either of the prosecution or the accused, therefore, this Court while hearing the bail application is not inclined to take up the issue on merits to hold a trial taking into the fact that considerable witnesses have been examined. In view of this, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu