

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2331 of 2021**

- Sundersay S/o Naanram Rajwade Aged About 45 Years R/o Village- Parsiya, P.S. - Odgi, District- Surajpur (C.G.)

----Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Odgi, District Surajpur (C.G.)

---- Respondent

For Applicant.	:	Mr. J. K. Shashtri, Advocate.
For Respondent/State	:	Mr. B. L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.06.2021**

The applicant has filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 01/2020 registered at Police Station Odgi, District Surajpur (C.G.) for the offence punishable under Section 302 of the IPC.

First bail application of the applicant was dismissed as withdrawn on 17.09.2020 passed in MCRC No. 4839/2020, however, a liberty was given to the applicant to revive the same after examination of material witnesses.

In this case the applicant is husband of the deceased. As per the prosecution case, the allegation against the present applicant is that he assaulted the deceased brutally because of doubt of character, consequently, she died.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case as there is nothing material evidence against him and he has been arrested only on the basis of suspicion. Referring to Annexure A/3, he would next contend that most of the prosecution witnesses have been examined but they have not supported the prosecution case. Furthermore, the dead body of the deceased was found from the open place, about 250 meters away from the house. As the applicant is in jail since 12.01.2020, he may be released on bail.

Per contra, learned State counsel strongly opposes the bail application and submits that there is a previous criminal offence against the applicant, therefore, looking to the nature of the crime, the applicant may not be granted bail.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature and gravity of the crime, at this stage, I am not inclined to release the present applicants on bail.

Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**