

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.4268 of 2021**

Raju Prasad Rathia S/o Dharati Sai Rathia Aged About 22 Years R/o Village Bilaskhar, Police Station Punjipathara, District Raigarh Chhattisgarh. **---- Applicant**

Versus

State Of Chhattisgarh Through Police Station Punjipathara, District Raigarh Chhattisgarh., **---- Non-Applicant**

For Applicant:	Shri Rohitashwa Singh, Advocate.
For Non-Applicant/State:	Dr. (Ms.) Veena Nair, Deputy Advocate General.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09.09.2021

1. The Applicant has preferred this 2nd bail application under Section 439 of Cr.P.C. Earlier bail application was dismissed as withdrawn on 15.02.2021. The Applicant has been arrested in connection with Crime No.141/2020 registered at Police Station Punjipathara, District Raigarh (CG) for the offence punishable under Sections 302 and 201 IPC.
2. Allegation against the present Applicant is that on 06.07.2020 on account of finding his wife ill, he committed murder of his mother Meera Bai and burnt her body as he was thinking that she is responsible for his wife's ill-health as she used to perform witchcraft against her.
3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in this crime and is languishing in jail since 07.07.2020 and due to COVID-19 pandemic, conclusion of trial is likely to take some time, therefore, he may be released on bail.
4. On the other hand, learned State Counsel opposed the bail application. However, she submits that there are eye witnesses in this case.
5. I have heard learned Counsel for both the parties and perused the

case diary.

6. Considering the facts and circumstances of the case, though number of witnesses examined have turned hostile, yet there are other witnesses to be examined and since the entire prosecution case is based on the circumstantial evidence available on record, which is to be appreciated only during the course of trial and further considering the fact that the trial is under progress, I am not inclined to allow this application.

7. Accordingly, the instant M.Cr.C is rejected. However, if the trial is not concluded within one year, then the Applicant would be at liberty to revive the bail application.

Sd/-

Gautam Chourdiya
JUDGE

Priya