

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 679 of 2021**

- Narendra Sahu S/o- Pitamber Sahu aged about 30 years, R/o- Jarhanavagaon, P.S.- Singhanpuri Jungle, District- Kabirdham (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, Through Arakshi Kendra, Singhanpuri Jungle, District Kabirdham (C.G.)

----State/Respondent

For Appellant	:	Shri Ajit Singh, Advocate
For Respondent /State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****17.08.2021**

1. This appeal by the accused/appellant under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 16.06.2021 passed by the Special Judge (Atrocities Act) Kabirdham (C.G.) in Special Case No. 312/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 02.04.2021 in connection with Crime No. 21/2021 for the offence punishable under Sections 302 & 201 of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Singhanpuri Jungle, District Kabirdham (C.G.).
2. As per the prosecution case, the appellant had kept the deceased as his second wife and there used to frequent quarrel between them. On 01.04.2021 at about 12:00 in the night, the appellant committed murder of the deceased by strangulation and buried her body near the brick kiln where they were residing together.
3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. He further submits that the appellant has been

apprehended only on the basis of his memorandum, as there is no eyewitness in the present case. He submits that on the date of incident, the appellant was not present in the brick kiln and in fact some other person buried the body of the deceased after committing her murder. He also submits that the appellant is in jail since 02.04.2021, charge-sheet has been filed and due to Covid-19 conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.

4. Father of the deceased is connected through video conferencing from District Legal Services Authority, Kabirdham (C.G.) and he has raised objection to grant of bail to the appellant by this Court.
5. On the other hand, learned counsel for the State opposes the bail.
6. Considering the facts and circumstances of the case, considering the nature of allegation made against the appellant, the material collected by the Investigating Officer, that in his memorandum statement the appellant stated that he was having affair with the deceased, on 01.04,2021 he committed murder of deceased by strangulating with her scarf and buried her body near brick kiln, the articles i.e. mattock and spade used for burying the dead body of the deceased were seized from the possession of the appellant, that as per postmortem report, cause of death of the deceased was asphyxia due to strangulation and death was homicidal in nature, without commenting anything on merits of the case, this Court is not inclined to release the appellant on bail. The order impugned of the trial Court rejecting the appellant's bail application does not suffer from any illegality or perversity. Accordingly, the present appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge