

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4913 of 2021

- Rajkumar Xalxo S/o Kabiram Xalxo, aged about 46 years, R/o Village Dharampur, Uparwara, Police Station Sitapur, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Sitapur, District - Surguja (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

21.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 01.04.2021 in connection with Crime No. 78/2021 registered in Police Station – Sitapur, District Surguja (CG) for the offence punishable under Section 302 of IPC.
2. Allegation against the present applicant is that on 28.08.2019 he assaulted his wife by hands, fists, legs and brick as a result of which she sustained injuries and succumbed to those injuries on 01.09.2019.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he has been falsely implicated in this case. He submits that the incident happened on 28.08.2019, deceased died on 01.09.2019 and on the basis of 161 Cr.P.C. statements of the witnesses recorded on 03.04.2021, the applicant was made accused in this crime which creates doubt as to the authenticity of the prosecution case. He also submits that applicant is in jail since 01.04.2021, charge-sheet has already been filed, due to Covid-19 pandemic, conclusion of the trial is likely to take

some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, particularly considering the allegation made against the present applicant, number of witnesses stated that the applicant assaulted his wife by hands, fists, legs & bricks due to which she sustained injuries and succumbed to those injuries, as per postmortem report of deceased, intestine of the deceased was found punctured, only on the ground of recording the delayed statements of the witnesses, it cannot be presumed that the present applicant has been falsely implicated in the crime in question, therefore, I am not inclined to grant bail to the applicant.
6. Accordingly, the bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge