

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceeding through Video Conferencing)**

**M.Cr.C. No. 5162 of 2021**

- Sanjeet Sahu, son of Sudam Sahu, aged about 41 years, caste Gudiya, resident of Village Kasalba, P.S. Saraipali, Tahsil Saraipali, District Mahasamund (C.G.)

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station Saraipali, District Mahasamund (C.G.)

**---- State/Non-applicant**

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| For Applicant           | : | Shri Yogeshwar Sharma, Advocate       |
| For Non-Applicant/State | : | Shri Adil Minhaz, Government Advocate |

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**04.08.2021**

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 16.04.2020 in connection with Crime No. 123/2020 registered in Police Station Saraipali, District Mahasamund (CG) for the offence punishable under Sections 302, 201 read with Section 34 of IPC.
2. The first bail application of the present applicant was dismissed for want of prosecution vide order dated 25.01.2021 passed in M.Cr.C. No. 6950/2020 by this Court.
3. Case of the prosecution is that the applicant committed murder of deceased Sanjay Sahu. During merged investigation, the memorandum statement of the applicant was recorded, in which he stated that on the date of incident, the deceased came to his house and was talking with his wife, therefore, in a sudden provocation and on suspicion of having illicit relationship of his wife with the deceased, the applicant assaulted the deceased by means of spade on his head, due to which the deceased died on the spot. It is alleged that the applicant hidden the dead body of the deceased by throwing dead body of the deceased into the well with the assistance of co-accused Nivedita Sahu (applicant's wife) in causing disappearance of evidence of the offence.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the police has arrested the applicant on the basis of memorandum statement and there is no any independent eye witness who has seen the aforesaid crime.. He also submits that the applicant is in jail since 16.04.2020, charge has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, therefore, the applicant be released on bail. He also submits that co-accused namely Nivedita @ Sanjeeta Sahu has already been granted regular bail by the coordinate bench of this Court vide order dated 22.09.2020 passed in M.Cr.C. No. 5279 of 2020 marked as Annexure-A/3 in the present bail application.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Considering the facts and circumstances of the case, particularly considering the allegation made against the present applicant that he assaulted by spade on the vital part of the deceased as a result of which deceased sustained grievous injury on his head and succumbed to injury, the memorandum statement of the applicant, seizure of articles i.e. burnt mobile of the deceased, weapon of offence i.e. spade in which blood was found, and that case of co-accused Nivedita who has been granted regular bail by the coordinate bench of this Court is distinguishable on facts from the case of the present applicant, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail.
7. Accordingly, this second bail application is dismissed.

Sd/-  
**(Gautam Chourdiya)**  
Judge