

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 01-09-2021Order delivered on 07-09-2021MCRC No. 5842 of 2021

1. Vikash Kumar Sahu S/o Late Gulab Ram Sahu Aged About 20 Years R/o Village Premnagar, Ward No. 10, Police Station And Tahsil Premnagar, District Surajpur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Bhatgaon, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Anil Gulati, Advocate
For Respondent /State	Mr. Arjit Tiwari, Panel Lawyer

Hon'ble Mr. Prashant Kumar Mishra, Ag. CJCAV Order

1. Heard.
2. The applicant has preferred this ***second bail application*** for grant of bail as he has been arrested in connection with Crime No.54/2020, registered at Police Station Bhatgaon, District – Surajpur (CG), for the offence punishable under Sections 302, 201, 120B read with Section 34 of the I.P.C.
3. The first bail application was dismissed on merits with liberty to revive the prayer for grant of bail after examination of witnesses namely; Santosh Sahu & Anita Sahu.

4. As per the prosecution case, Bhaiyalal Sahu (since deceased) was in the habit of picking up quarrel with his wife Tara Sahu in a state of intoxication. Tara Sahu, being a woman of independent nature and culture, was planning to eliminate her husband Bhaiyalal Sahu, therefore, she hatched a conspiracy with the present applicant, who happens to be her brother and in furtherance thereof she called the applicant to Bhatgaon on 25-5-2020. The deceased, who had already retired to bed at 9.30 pm, was awoke and after committing his murder the dead body was thrown over Chungadi-Khopa Road, near village Kurkuriyapara.
5. Albeit witnesses Santosh Sahu & Anita Sahu have been examined before the trial Court and they have turned hostile, however, considering the fact that the prosecution case is based on circumstantial evidence, which includes memorandum statement of the applicant and consequent recovery, the entire evidence has to be appreciated by the trial Court.
6. Having regard to the fact that the applicant along with co-accused committed murder of his brother-in-law (जीजा), this Court is not inclined to grant bail to the applicant.
7. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri