

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7301 of 2020

- Moti Lal S/o Hari Singh Aged About 30 Years Cast Yadav, Residence Of Village Keshalpur, Thana Katghora, Police Sahayata Kendra Jatga, Tahsil Podi Uroda, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, District Magistrate Korba, District Korba, Chhattisgarh, Through Police Station Katghora, District Korba, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Vikas Pandey, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 4.4.2020 in connection with Crime No.120/2020, registered at Police Station- Katghora, District Korba(C.G.) for the offence punishable under Section 302 of the IPC.
2. Case of the prosecution is that deceased Anjani Yadav was wife of applicant and they were residing together. On 24.3.2020 her dead body was found in the house. After investigation, it was found that the deceased died due to cardio respiratory failure to Hypoxemia(lack of oxygen) by smothering forcefully compressed by any cloth materials and mouth and nose and death was homicidal in nature. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the deceased died after consuming a tablet and applicant has no role in the death of

the deceased. He submits that the applicant is in jail since 4.4.2020 and conclusion of 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 Non-Applicant/State opposes the prayer for grant of bail. He submits that the dead body of the deceased was found in the house where she was residing with her husband-applicant.
5. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant and the material collected by the prosecution; the applicant and the deceased were residing in same house and dead body of the deceased was found in the house of the present applicant; the memorandum statement of the accused/applicant and further looking to the Postmortem report, according to which death of the deceased was homicidal in nature, I am of the opinion that present is not a fit case in which the applicant should be released on bail.
6. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/
(Gautam Chourdiya)
Judge