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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6901 of 2021**

- Sagar Dahariya son of Gaidu Ram Dahariya, aged about 21 years, R/o Village Giraula, Police Station Abhanpur, District Raipur (CG)

---- Applicant**Versus**

- State of Chhattisgarh through Police Station Abhanpur, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****13.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 12.7.2021 in connection with Crime No.270/2021 registered at Police Station Abhanpur, District Raipur (CG) for commission of offence punishable under Section 302 of IPC.
2. Case of prosecution is that on 11.7.2021 when complainant woke up to answer nature's call, he heard some noise coming from room of his mother. He rushed to her room and tried to open door, which was locked from inside. Complainant peeped into room and saw her mother lying on floor. At that moment, applicant opened door and tried to flee from spot, but he was caught by complainant and his wife. Complainant went inside room of her mother and found her lying dead. Thereafter, report was lodged in concerned police station, based on which aforementioned crime is registered against applicant and he was arrested.
3. Mr. Dashrath Kushwaha, learned counsel for applicant would submit that applicant has not committed any offence as alleged and he has been falsely implicated. Applicant is in jail since 12.7.2021, hence he may be enlarged on regular bail.

4. On the other hand, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions of learned counsel for applicant and submits that applicant was caught red-handed on spot. Applicant entered into house of deceased with intent to disrobe her and when she resisted, applicant committed alleged offence. He also submits that statement of one boy aged about 12 years was recorded in which he stated that he gave one condom to applicant. There is *prima facie* material against applicant connecting him with commission of alleged crime. Hence he is not entitled to be enlarged on regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations, material available in case diary and the fact that applicant was caught red-handed by complainant on spot, I am not inclined to enlarge applicant on regular bail. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-