

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7862 of 2021

- Sanjeet Sahu, son of Sudam Sahu, aged about 41 years, Caste Gudiya, resident of Village Kasalaba, 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

For Applicant	:	Shri Yogeshwar Sharma, Advocate
For Respondent/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.11.2021

1. The applicant has preferred this third 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 applicant was dismissed for want of prosecution by this Court vide order dated 25.01.2021 passed in M.Cr.C. No. 6950/2020. Thereafter, the applicant moved second bail application which was also dismissed on merit vide order dated 04.08.2021 passed in M.Cr.C. No. 5162/2021.
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. He further submits that 11 prosecution witnesses have been examined in the trial Court and they have not supported the case of prosecution, marked as Annexure-A/5 in the present bail application. He also submits that the applicant is in jail since 16.04.2020, charge has already been filed and 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/4 in the present bail application.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Considering the entire facts and circumstances of the case, considering the fact that the second bail application of the present applicant has been rejected on merits by this Court, and that trial is commenced as 11 witnesses have been examined and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, I am not inclined to grant bail to the present applicant.
7. Accordingly, this third bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge