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HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 4-2-2021Order delivered on 17-2-2021MCRC No. 8057 of 2020

- 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

- 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. Ayaz Naved, G.A.

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV ORDER

1. Heard.
2. The applicant has preferred this bail application under Section 439 of CrPC, as he is 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. 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.

4. Case of the prosecution is based on circumstantial evidence in form of memorandum statement of the accused persons and consequent recovery. There is no eyewitness to the crime. As per the statements of Santosh Sahu & Anita Sahu, son & daughter, respectively of the deceased, a quarrel had occurred on the same night and thereafter they fell asleep. Presence of the present applicant in the house has been stated by both these witnesses.
5. Considering the entire facts situation of the case and particularly considering the seriousness of the crime, I am not inclined to grant bail to the applicant.
6. Accordingly, the bail application is rejected. However, the applicant would be at liberty to revive his prayer for grant of bail after examination of witnesses namely; Santosh Sahu & Anita Sahu.

SD/-

(Prashant Kumar Mishra)
Judge