

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8742 of 2020**

*Neelam Dhurve, S/o Mayaram Dhurve, aged about 24 years, R/o- Village – Harmo,
P.S. - Bhoramdev, District Kabirdham (C.G.)* (In Jail)

---- Applicant**Versus**

State of Chhattisgarh, Through P.S. Bhoramdev, District – Kabirdham (C.G.)

----Non-applicant

*For Applicant : Mr. Basant Dewangan, Advocate.
For Non-applicant/State : Mr. Devesh Verma, Govt. Advocate.*

Hon'ble Smt. Justice Rajani Dubey**Order On Board****01/04/2021**

(1) *The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 35/2019 registered at police Station Bhoramdev, District Kabirdham for the offence punishable under Section 302 of the Indian Penal Code.*

(2) Case of the prosecution, in brief, is that on 22.11.2019, it was reported that deceased namely Kaushliya Bai, wife of Abhishek Dhurve was found dead in her house. On 23.11.2019, during her (deceased) post-mortem, it was noticed that both the hands of deceased had hairs of some unknown person, thereafter, prosecution was allowed to do DNA test of the hair found on the hands of the deceased, after which, on the suspicion of the husband of the deceased, sample of the present applicant, who is neighbour of deceased, was collected for DNA analysis, thereafter, the

applicant was arrested on the basis of said DNA report and the aforesaid offence has been registered against the applicant.

(3) *Learned counsel for the applicant submits that the applicant has falsely been implicated in the crime in question and no incriminating material against the applicant which held him guilty for commission of offence under Section 302 of the IPC. He further submits that the applicant has been arrested on 22.08.2020 and charge sheet has already been filed and, therefore, the applicant be released on bail.*

(4) *On the other hand, learned counsel for the respondent/State opposes the bail application and submits that looking to the seriousness of the crime, the applicant is not entitled to be released on bail.*

(5) *I have heard the learned counsel appearing for the parties and perused the case diary.*

(6) Looking to the entire material collected by the Investigating Officer during investigation and further looking to the DNA profile of applicant and deceased and the manner in which deceased is said to have been murdered by the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Rajani Dubey)
Judge

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