

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.3733 of 2015

Durgesh Kumar Dhuliya, S/o Sunderlal Dhuliya, aged about 25 years, by caste Dhuliya, R/o Newsa, Police Station Gourela, Tahsil Pendraroad, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Gourela, Civil and Revenue District Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Mirza Hafeez Baig, Advocate.
For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.101/2015 {Criminal Case No.291/2015 pending in the Court of Judicial Magistrate First Class, Pendra Road}, registered at Police Station Gourela, Distt. Bilaspur, for the offence punishable under Sections 498A & 306 of the IPC.
2. Case of the prosecution, in brief, is that the applicant abetted and instigated his wife to commit suicide, as well as the applicant treated his wife with cruelty after marriage which was solemnized in the year 2010 and as such, his wife committed suicide on 5-1-2015.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case which is apparent from the statement of Jagdish Prasad and the applicant is in

custody since 11-4-2015. Charge-sheet has already been filed.

5. On the other hand, learned State counsel opposes the application and refers to the statements of Chatrapal Sonwani, Pooranlal – father of the deceased, Sushila Bai – mother of the deceased and dying declaration of the deceased dated 5-1-2015 to indicate that the applicant used to consume liquor and having intoxicated used to assault the deceased and on account of frustration and cruelty meted out by the present applicant, the deceased committed suicide by consuming poisonous food on 5-1-2015.
6. Taking into consideration the nature and gravity of offence, statements of father of the deceased Pooranlal, mother of the deceased Sushila Bai & Chatrapal Sonwani and dying declaration of the deceased recorded on 5-1-2015, I do not find it a fit case for grant of regular bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge