

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4663 of 2015**

Durgesh Bharti S/o Shri Ram Bharati, Aged About-22 years, R/o Kokadi,
Police Station-Pathariya, Distt.-Mungeli (CG), Present Address: Dohtara,
Police Out Post-Maró, Police Station-Nandghat, Distt.-Bemetara (CG)

---Applicant**Versus**

State of Chhattisgarh Through:- Police Out Post-Maró, Police Station-
Nandghat, Distt.-Bemetara (CG)

---Non-applicant

For Applicant	:	Mr. Rishi Rahul Soni, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.292/2015, registered at Police Station-Nandghat, District-Bemetara (C.G.), for the offence punishable under Sections 498A and 306 of the IPC.

2. Case of the prosecution, in brief, is that marriage of the applicant was solemnized with deceased Parvati Bharti on 2.2.2014 and thereafter, the applicant instigated/abetted her to commit suicide, by which she committed suicide on account of burn injuries on 17.6.2015.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that it is a case of accidental death, which is apparent from dying declaration recorded by the Sub Divisional Officer. He would also submit that there is no reasonable explanation of delay in lodging the F.I.R as the incident took place on 15.6.2015, F.I.R. has been lodged on

26.7.2015 and statements of the witnesses have also been recorded on 26.7.2015 and it is a pure case accidental death. Learned counsel relied upon decision of this Court in **Rashmi Dewangan v. State of C.G.**¹. The applicant is in custody since 26.7.2015 and charge-sheet has already been filed, and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application and would submit that the applicant immediately after the marriage treated her with cruelty in connection with demand dowry and on 14.1.2015 report was lodged by the deceased that the applicant assaulted her by axe and the deceased has committed suicide on account of instigation extending by the applicant and therefore, the applicant is not entitled to be released on bail.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the manner in which the applicant treated her with cruelty by which she committed suicide within one and half years of marriage and material available on record including the report dated 14.1.2015, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-