

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 512 OF 2016**

Raj Kumar S/o Shri Dhumra, aged about 30 years, Caste Satnami, R/o Village Jamgahan, Police Station and Tahsil Maalkharauda, Civil and Revenue District Janjgir-Champa (C.G.)

**---Applicant****Versus**

State of Chhattisgarh, Through District Magistrate/Station House Officer, Police Station Maalkharauda, District Janjgir-Champa (CG)

**---Non-applicant**


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| For Applicant     | : | Mr. Dharmesh Shrivastava,<br>Advocate |
| For-Non-applicant | : | Mr. Adhiraj Surana, Dy. G.A.          |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****10/02/2016**

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. 317/2015, registered at Police

Station Maalkharauda, District Janjgir-Champa (C.G.), for the offence punishable under Section 306 of Indian Penal Code.

**2.** Case of the prosecution, in brief, is that, marriage of deceased -Sudhani Bai was solemnized with the present applicant three years prior to the date of commission of offence on 23/09/2015 and on instigation extended by the present applicant, she committed suicide and thereby committed aforesaid offence.

**3.** Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that dying declaration dated 23/09/2015 by deceased supports the case of the accused. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 15/12/2015, therefore, he may be released on bail.

**4.** On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that

applicant has taken away baby child of the deceased and taken her to other village Jamgahan and when the deceased approached with the applicant and requested for custody, applicant not only abused her but also poured kerosene oil on her body.

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; conduct of the applicant; evidence of cruelty available on record and the death occurred within 7 years of marriage, I am not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**