# HIGH COURT OF CHHATTISGARH, BILASPUR

## MCRCA No. 208 of 2016

- Pileshwar Prasad Verma S/o Keshwar Prasad Verma Aged About 24 Years R/o Village Sarseni, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh. **--- Petitioner**

**Versus**

- State of Chhattisgarh through the Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh. **--- Respondent**

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For the applicant : Mr. Ashok Shukla, Advocate.
For the Respondent : Mr. Anil S. Pandey, Govt. Advocate.
For the objector : Mr. Tarun Dansena, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**09.03.2016**

1. Apprehending arrest in connection with Crime No. 148 of 2015 registered at Police Station Suhela, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under sections 304-B IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, deceased Dhaneshwari was married to applicant on 10.05.2014 and thereafter she was subjected to torture by the applicant, therefore, Dhaneshwari committed suicide by setting herself ablaze.
3. Learned counsel for the applicants submits that in order to attract the provisions of Section 304-B, the prosecution has to establish the fact that soon before the death the deceased was subjected to cruelty mainly for want of dowry. He, therefore, submits that under the facts and circumstances of the case it would reveal that the deceased was having some relations with a boy which continued even after her marriage and while it was disclosed,

altercation took place between the husband and wife and thereafter she committed suicide. Therefore, he submits that false allegations have been made against the applicant and he may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel as also counsel for the objector opposes the prayer for grant of bail.

5. As per the case diary and the statements of witnesses, certain allegations have been attributed to this applicant. Necessarily, the same are to be appreciated after the charge sheet is filed. The appreciation of entire statements cannot be made at the stage of bail u/s 438 Cr.P.C., as the criteria for consideration of anticipatory bail is entirely different from that of section 439 Cr.P.C. Therefore, I am not inclined to extend the benefit of section 438 Cr.P.C., in favour of the applicant.

6. Accordingly, the bail application is rejected.

**Sd/-**

**GOUTAM BHADURI**
**JUDGE**

Rao