

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3914 of 2016

- Dev Sharan Rawate S/O Raghunath Rawate Aged About 22 Years Residing At Village Badekamera, P.S. Kondagaon, Revenue & Civil District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Narayanpur, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pravin Kumar Tulsiyan, Advocate.

For Respondent/State : Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-07-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 9-2-2016 in connection with Crime No. 13 of 2016 registered at Police Station Narayanpur, District Narayanpur (CG) for the offence punishable under Sections 306 and 376 of IPC.
2. As per case of prosecution, the applicant was in love relation with deceased, thereafter on the pretext of marriage the applicant sexually exploited the girl and ultimately the applicant refused to marry her which led her to commit suicide in the intervening night of 31-1-2016 & 1-2-2016, and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the girl was a major girl, she developed relation of her own with the applicant,

therefore, the applicant cannot be held to have abetted her to commit suicide. He would further submit that all the allegations have been made after she committed suicide and before that no allegation of sexual assault was made. He would further submit that charge-sheet has been filed, the applicant in jail since 9-2-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the dying declaration of the deceased which is a part of the case diary which was seized by the Police. Perusal of the dying declaration would show that the applicant had sexually exploited the girl and thereafter he refused to marry her, in the result in order to save her face in the society she committed suicide. The entire allegation of cause has been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, considering the dying declaration of the deceased and the way he had sexually exploited the deceased, I am not inclined to release the applicant on bail.
8. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju