

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4142 of 2016

Rakesh Yadav (wrongly written Rajesh in order sheet) S/o. Late Gajanand Yadav, Aged About 22 Years, R/o. Village Riwan, Thana- Mandirhasoud, District – Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Thana In-Charge, P.S.- Mandirhasoud, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Smita Jha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

1. This is the 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 in connection with Crime No.165/2015 registered at Police Station- Mandirhasoud, District Raipur (C.G.) for the offence punishable under Section 304-B/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that one Manju committed suicide by setting herself ablaze on 03.10.2014 and she was married to the applicant on 07.04.2014 and thereafter she died under the unnatural circumstances.
3. Learned counsel for the applicant would submit that in this case Bishat Bai, sister of the deceased; Bharat, father of the deceased; Meena Bai, sister of the deceased; Krishna Bai, mother of the deceased, have been examined and they have not supported the case of the prosecution and only the I.O. is remained to be examined and the I.O. is not coming for last six hearings and the

applicant is in jail since 24.06.2015, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that all the witnesses have been examined except the I.O., it would not proper to this Court to evaluate the entire evidence and the cross-examination. The trial Court would be in the better position to evaluate the statement of the witnesses and it is not fair for this Court to evaluate the entire case by picking few of the lines of examination and cross-examination, therefore, in view of this, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed, however, the trial Court is directed to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge