

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6103 of 2016**

1. Raju Sahu, S/o. Ramayan Sahu, A/a. 24 years, R/o. Chandipara, Malhar, O.P. Malhar, Thana Masturi, Tahsil – Masturi, District – Bilaspur (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : Aaraksi Kendra, Masturi, District Bilaspur (C.G.)

---- Respondent

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For Applicant : Mr. Arvind Shrivastava, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**05/10/2016**

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.103/2016, registered at Police Station – Aarakshi Kendra Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 304-B, R/w. Section 34 of the Indian Penal Code.
2. As per the prosecution case, the applicant, who is the husband of the deceased Sukrita was married to the applicant on 29.04.2015 and she died unnatural death on 12.02.2016 by hanging. It is alleged that the applicant and other co-accused used to treat the deceased with cruelty for demand of dowry. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the father of the deceased Jaipal Sahu and uncle, Melaram Sahu have been

examined but they have not categorically supported the case of the prosecution, therefore, no offence is made out against the present applicant. Therefore, the counsel submits that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the witness Jaipal Sahu and Melaram Sahu. It is not proper for this Court to make any observation on merits while deciding the bail application as it is stated by the State counsel that out of 15 witnesses, 7 witnesses have already been examined. Taking into such fact any observation at this stage would prejudice the trial either in favour of the prosecution or in favour of the defence. Considering the number of witnesses have already been examined, I am not inclined to entertain the bail application. However, the trial Court is requested to expedite the trial.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge