

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.843 of 2017**

- Laxmi Narayan S/o Tularam Satnami Aged About 21 Years R/o Village- Chitawar, Chowki- Lawan, Police Station- Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri CR Sahu, Advocate
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.3.2017**

Heard the matter finally.

2. By filing this M.Cr.C. it is prayed that the applicant is in jail since 05.01.2017 from the date of his arrest in connection with Crime No.07/2017, charge sheet has been filed on 11.02.2017 before Judicial Magistrate First Class, Kasdol, the applicant is not aware of number of the said criminal case, the matter is not yet committed, charges have been framed under Section 498-A and 306 of Indian Penal Code. As per the dying declaration, when the deceased, wife of the applicant, said obscene words to the applicant, he slapped her and on account of anger, she committed suicide. The other co-accused persons, father and mother of the

applicant, have been enlarged on bail, hence, the applicant may also be granted bail.

3. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

4. Perused the case diary. This is a case of suicide committed within seven years of marriage. With this Section 113A of the Evidence Act is applicable in the matter. For cruelty, the incident happened on the date of incident, prior to the commission of suicide, is not the entire fact regarding cruelty. Case of other co-accused persons is not the same with the case of the applicant, who is the husband of the deceased.

5. On due consideration, I am not inclined to allow the instant bail application. Consequently, the same is dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE