

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1475 of 2017**

- Omkar Bhendpal S/o Chetan Ram, Aged About 24 Years Caste Bhendpal, R/o Village Taraud, Police Station Akaltara, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Janjgir- Champa, Chhattisgarh

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.266/2016 registered in Police Station Akaltara, Distt. Janjgir-Champa for the offence punishable under Sections 304 B/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that present applicant along with co-accused father have been arrested on 10.11.2016, charge sheet has been filed, the matter is pending before Sessions Judge, Janjgir, Distt. Janjgir-Champa as Session Trial No.49/2017. As per the allegation, in the intervening night of 30-31/October/2016, wife of present applicant Anjani died on

account of burn injuries in the house of the applicant. FIR was registered on 08.11.2016 by the uncle of the deceased. Co-accused, i.e. father of the applicant, was granted bail by the Sessions Court, there are general allegation against both the accused regarding cruelty and torture. As the co-accused has been granted bail on the basis of same set of allegation, present applicant may also be granted bail in the matter.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that during investigation, police under Section 161 Cr.P.C. recorded statement of Ramlal, Mandora, Johit and Revati, who had stated the allegation of torture and cruelty committed by the present applicant to the deceased. Uncle of the deceased also in written complaint elaborately submitted the facts regarding torture, demand of dowry and money, motor cycle and other facts. About a week before the date of incident, the deceased gave birth to a female child and for the expenses also there was demand on the part of the applicant. Hence, looking to the seriousness of the crime, the application may be rejected.

5. Perused the material.

6. Within two years of marriage, the incident happened in the house of the applicant where the deceased died. The police registered matter, investigated it and ultimately filed charge sheet before the Court below which is pending. There are allegation in the present matter and provisions of Section 113B of the Indian

Evidence Act 1872 is applicable. On due consideration of the entire material, I am not inclined to allow the application.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE