

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1770 of 2017**

- Dileshwar Sahu S/o Kunwar Sahu, Aged About 35 Years R/o Mohtara, Police Station & Tahsil Nawagarh, District Bemetara Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through : The Station House Officer, Police Station - Nawagarh, District - Bemetara Chhattisgarh

---- Respondent

For Applicant	: Shri UKS Chandel, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.4.2017**

1. 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.38/2017, registered at Police Station Nawagarh, Distt. Bemetara(CG) for the offence punishable under Sections 498-A, 304-B of the IPC.
3. Learned counsel for the applicant submits that charge sheet has been filed and the matter is pending before the J.M.F.C. Bemetara as Cr. Case No. 1199/2017. The date of marriage is

17.2.2016 and incident is of 18.6.2016 wherein the deceased, wife of the applicant died on account of burn injuries. Her dying declaration was recorded on 19.6.2016 in which she deposed that accidentally she caught fire. After more than 6 months in the merged inquiry, relatives of the deceased and one Manju Sahu, sister of the deceased made statement regarding torture and cruelty and ultimately the police recorded statements of 4 witnesses under Section 161 Cr.P.C. on 16.2.2017 and one witness on 21.2.2017. Earlier, the witnesses have not said anything and though there were allegations regarding torture and harassment as the dying declaration shows that she died in an accident, hence, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that in 161 Cr.P.C. statements of the witnesses there are allegations regarding torture and harassment of the deceased for dowry and other circumstances.

5. I have heard the counsel appearing for the parties and perused the material.

6. The evidence collected in the matter against the applicant prima facie goes to show that there is sufficient evidence so far as it connects the applicant with the provisions of Section 113A/113B of the Evidence Act to the offence registered against the applicant.

7. On entire consideration of the facts, I am not inclined to grant bail to the applicant.

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

Certified copy as per rules.

Sd/
(Chandra Bhushan Bajpai)
JUDGE