

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2196 of 2017**

- Mukesh Kumar Sahu S/o Bhagwat Sahu, Aged About 32 Years
R/o Santoshi Para Chowk, Camp 2, Bhilai, Police Station
Chhawani, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhawani, District
Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri PR Patankar, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.5.2017**

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.739/2016, registered at Police Station Chhawani, Distt. Durg (CG) for the offence punishable under Section 304 B/34 IPC.
3. Learned counsel for the applicant submits that the applicant is facing trial in ST No. 15/2017. The matter is pending before the 6th Additional Sessions Judge, Durg (CG) and the applicant is in

custody since 15.12.2016. Other accused, father and mother have granted bail. The applicant is the husband of the deceased. The deceased died other than normal circumstances within 7 years of her marriage; in the trial and 6 witnesses have been examined. All are the important witnesses. They have not said anything against the applicant and there is no possibility of tampering as they have been examined. There is no material in the entire charge sheet regarding cruelty and torture soon before the death, hence, the applicant may be granted bail during remaining part of the trial.

4. On the other hand, learned counsel for the State opposes the bail application.

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

6. To consider the application under Section 439 Cr.P.C. the Courts are required to consider the entire evidence collected by the prosecution during investigation.

7. On due consideration and on perusal of the matter collected by the prosecution against the applicant, in the considered view of this court, there is sufficient material to demonstrate the cognizance under Section 304B/34 IPC, therefore, I am not inclined to grant bail to the applicant.

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

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**