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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2263 of 2017**

- Pururam Verma S/o Lalit Verma, Aged About 55 Years R/o Village- Charbhatha, Police Station Magarlod, Revenue And Civil District- Dhamtari, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through: Station House Officer Police Station Magarlod, District- Dhamtari, Chhattisgarh.

---- Respondent

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| For Applicant        | : Shri Sanjeev Sahu, Advocate |
| For Respondent/State | : Shri NK Mehta, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****26.4.2017**

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.12/2017 registered at Police Station Magarlod, Distt. Dhamtari (CG) for the offence punishable under Section 306/34 IPC for committal of suicide by his daughter in law.
3. Learned counsel for the applicant submits that the applicant is in jail since 13.1.2017 and Police had filed charge sheet before the Additional Sessions Judge, Dhamtari in ST No.15/2017. There are 2 accused in the matter. The co-accused is son of the

present applicant/husband of the deceased. The deceased was married to son of the applicant in the year 2015. She died on account of burn injuries on 11.1.2017 in the house of the present applicant as per 161 Cr.P.C. statement recorded by the police of Tarini Verma who is sister of the deceased and also daughter in law of the present applicant that the applicant was in the kitchen garden and when he came to know regarding burning, he came inside and attempted to save the deceased. There is no dying declaration and no any letter is seized to demonstrate the element of cruelty in the matter. He is in jail for more than 3 months, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that in the present matter, Section 113 A of the Evidence Act is applicable and not the provisions of Section 107 IPC. The statement recorded under Section 161 Cr.P.C. of the family members of the deceased, Smt. Pooja Verma there is evidence regarding torture and cruelty by the applicant and other family members.

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

6. At this stage, learned counsel for the applicant would submit that he be permitted to withdraw the instant MCRC with liberty to approach this Court again after the evidence of Tarini Verma.

7. The applicant is under the authority of law to file as many as MCRC as he wishes before this Court but as the applicant prays for withdrawal of the instant MCRC, same is disposed of as withdrawn.

Certified copy as per rules.

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