

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4013 of 2017**

Sheshnarayan S/o Shri Ganeshram Patel, Aged About 24 Years
Resident Of Village- Balouda, Tahana - Gidhouri- Tundra, Distt.
Balodabajar- Bhatapara (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station-
Gidhouri, Distt. Balodabajar- Bhatapara (Chhattisgarh).

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. O.P. Sahu, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-11-2016 in connection with Crime No. 167/2016 registered in PS Gidhouri, Distt. Balodabajar-Bhatapara (CG) for offence punishable under Section 304-B/34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Additional Sessions Judge, Baloda Bajar as ST No. 9/2016. He submits that police filed charge sheet against present applicant and co-accused Ganesh Ram, Smt. Heerabai, Madhusudan and Smt. Barbas Purheen @ Savitri Bai. The coordinate bench granted bail to co-accused Heerabai and Madhusudan in MCRC No. 8642/2016 vide order dated 12-1-2017 and rejected the prayer of bail of co-accused Ganesh Ram and smt. Barhas Purheen. The applicant is husband of the deceased. The marriage was solemnized in the year 2015. The incident committed on 24-2-2016 as the deceased carrying pregnancy

of 7 months died on account of burn injury. Learned counsel further submits that there is delay in the FIR. In the merged inquiry, no element has come against the applicant and thereafter in the FIR lodged lately element are levelled against the applicant. It appears that the applicant had not committed any cruelty with the deceased for demand of dowry and other facts hence the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant.
5. Perused the matter.
6. Provisions of Section 113-A/113B of the Indian Evidence Act, 1872, as the case may be, are applicable in the cases where death occurred within a period of 7 years of marriage. During investigation, police had collected material. From perusal of the statement of the parents of the deceased and others, it appears that prima facie there is sufficient material against the applicant for the charges under Section 304-B/34 of the I.P.C. Consequently I am not inclined to grant bail to the applicant.
7. Instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge