

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4473 of 2017**

- Nandlal Verma S/o Late Tarachand Verma, Aged About 29 Years R/o Muswadih, Police Station Suhela District Baloda Bazar Bhatapara Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.8.2017**

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.192/2016 registered in Police Station Suhela, Distt. Baloda Bazar - Bhattapara (CG) for the offence punishable under Section 304B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 14.02.2017, after investigation, police has filed charge sheet which is pending before Additional Sessions Judge, Bhattapara as Sessions Trial No. H-08/17. Learned counsel for the applicant would submit that marriage between the applicant and deceased Yashoda Verma was solemnized on

15.4.2016. The incident committed on 17.10.2016. As per the facts, deceased Yashoda Verma died on account of consuming poison in the house of the applicant. Learned counsel for the applicant would submit that there is no material or statement given by the family members of the deceased during merg intimation against the applicant. As there is no element of demand of dowry or cruelty, Section 304B IPC is not attracted, hence the instant bail application may be dismissed.

4. Per Contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant.

5. Perused the material.

6. Within the six months of the marriage, deceased Yashoda @ Bharti died on account of poisoning. The police during investigation recorded statement of Smt. Jeera Bai and Pardeshi Verma, mother and father of the deceased on 24.11.2016. In the statement of mother Jeera bai, it is clearly stated that when her daughter and son-in-law came to her house, her daughter told her that the applicant used to assault her on the allegation of not bringing any dowry and also he suspects her character. Jeera Bai advised her daughter and thereafter both of them left her house. The deceased clearly stated to her mother that the applicant used to beat her. Jeera Bai informed all these facts to her husband Pardeshi Verma. Pardeshi Verma also supported the statement of Jeera Bai. In the present matter death occurred other than normal circumstances after about six months of the marriage. In the present matter provisions of Section 113B of the Evidence

Act, 1872 is applicable and also Section 113A of the Evidence Act is also attracted. Looking to the entire facts collected during investigation regarding element of cruelty and demand of dowry by the applicant and also marriage as a regular feature with the deceased prior to the incident, I am not inclined to grant bail to the applicant.

7. Accordingly, application filed under Section 439 CrPC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE