

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4930 of 2017**

- Santosh Kumar Dwivedi S/o Santosh Kumar Dwivedi, Aged About 32 Years At Present R/o S. T. F. Colony, Baghera, Police Station Pulgaon, Tahsil & District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Pulgaon, Distt. Durg (Chhattisgarh)

---- Non-applicant

For Applicants : Shri B.P. Singh, Advocate.

For Non-applicant : Shri Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 283/2017 registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 304-B of the Indian Penal Code.
3. Case of the prosecution, in brief is that the marriage of the deceased Sandhya Devi was solemnised with the present applicant Santosh Kumar Dwivedi on 31.04.2011. On 04.06.2017, the C.C.M. Hospital, Bhilai informed that the said deceased has been died. During the investigation, it has been found that on 30.05.2017 the said applicant had beaten the deceased. When the deceased was shifted to

hospital, injuries were found on her body.

4. Learned counsel for the applicant argued that the mother and the brother of the deceased have not made any allegation against the said applicant. Instead of it they say that the deceased had no any problem.

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

6. Some of the neighbours of the said applicant made an allegation of beating the deceased by the said applicant. The deceased has been died within 7 years of her marriage. At this stage, the said applicant does not get any help from the statement of the mother and brother of the deceased recorded under Section 161 of the Cr.P.C. so far as the matter is concerned with his bail.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE