

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2503 of 2017

- Vijay Kenwat S/o Naresh Ram Kenwat Aged About 30 Years R/o House No. 630, Vivekanand Nagar, Mopka, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dr. N.K. Shukla, Sr. Advocate with Shri Goutam Khetrapal,
For the State	:	Mr. Samir Behar, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.05.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 124 of 2016 registered at P.S. Sarkanda, Distt. Bilaspur (C.G) for the offence punishable under Sections 498-A, 323, 506, 304-B read with section 34 of IPC.
2. As per the prosecution case, one Triveni Kewat who was married to present applicant on 25.05.2014 died in unnatural circumstances on 16.02.2016. It is alleged that the present applicant treated the deceased with cruelty and used to torture her for demand of dowry as he was not satisfied with the article which were given during the marriage.
3. Learned counsel for the applicant would submit that this is second bail application; the earlier one was dismissed as withdrawn on 07.12.2016 and thereafter no substantial progress has taken place in the trial. He further submits that in the dying declaration which is on record, no allegation of

demand of dowry is attributed to the applicant. It is further submitted that the deceased consumed poison on 05.02.2016 and died on 16.2.2016 and during such period, he tried to procure the dying declaration, however, it was not permitted, therefore, at the time of recording of dying declaration, it is not clear what was the condition of the deceased, therefore, it cannot be accepted at this stage. He further submits that the charge sheet has been filed and applicant is in jail since 23.05.2016 therefore, he may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the prayer.
5. Perused the dying declaration wherein the demand of dowry has also been alleged. Also perused the statement of Kanti Bai, the mother, which was recorded during the period the deceased was at Hospital and after her death wherein the allegation of demand of dowry is attributed to the present applicant. Taking into such facts situation of the case, I am not inclined to allow this bail application. Accordingly, it is rejected. However, the trial Court is requested to expedite the trial.

**Sd/-
GOUTAM BHADURI
JUDGE**