

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4083 of 2017**

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

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Sanjeev Kumar Sahu, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.6.2017**

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.12/2017 registered in Police Station Magarlod, Distt. Dhamtari for the offence punishable under Section 306/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 13.01.2017, after investigation, police has filed charge sheet against the applicant which is presently pending before Additional Sessions Judge, Dhamtari as Session Trial No.15/17. This is the repeat bail application, earlier the applicant has preferred M.Cr.C. No.2263/2017 and on his request the same was dismissed as withdrawn with liberty to approach this Court again after the

evidence of Tarini Verma and in that order this Court expressed that 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he wishes before this Court but as the applicant prays for withdrawal of the instant MCRC the same was disposed of as withdrawn. The applicant is the father-in-law of the deceased and co-accused Viram Verma is the husband of the deceased. Marriage between the deceased and accused Vikram Verma was solemnized in the year 2015. The date of incident is 11.01.2017 at the house of the applicant where the deceased committed suicide by setting herself ablaze. Learned counsel for the applicant submits that Tarini Verma (PW-9) was examined by the prosecution in the trial Court on 27.5.2017 where Tarini Verma, younger sister of deceased Pooja Verma, turned hostile, has not supported the statement given by her under section 161 of the Cr.P.C. He further submits that as there is no dying declaration and suicidal note and also the applicant is in jail since 13.01.2017, he may be granted bail.

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

5. Perused the entire material.

6. In the present matter Section 113A of the Indian Evidence Act, 1872 is applicable as within seven years of marriage the deceased committed suicide and in the charge sheet there was material collected by the prosecution regarding the allegation of cruelty which was subjected to the deceased. This is not the trial Court to appreciate the evidence of witnesses partially. On due consideration, I am not inclined to grant bail to the applicant.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE

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