

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2722 of 2018**

Sanjay Agariya S/o Shri Sukhlal Agariya, Aged About 20 Years
Occupation- Labour, R/o- Village Podi (Mouharpara) Police
Station Sonhat, District- Korea, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police
Station- Sonhat, District- Korea, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Avinash Chand Sahu and Shri Vijay Kumar Sahu, Advocates
For the State	:	Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/05/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 18/2017 registered at Police Station Sonhat, District Korea (C.G.) for the offence punishable under Sections 306 and 498(A) of IPC.
3. Case of the prosecution, in brief is that deceased Leelawati was the resident of Mouharpara Village Podi. Her marriage was solemnized with applicant prior to two years from her death. The applicant has developed love affair with another woman. When deceased was preventive him then applicant was beating her. Being harassment, deceased committed suicide by hanging between 23/12/2017 to 24/12/2017.

4. Learned counsel for the applicant submits that in the case in hand Section 107 of IPC does not attract, thus no offence made out under Section 306 of IPC. He further submits that applicant is innocent and falsely implicated in the present case and the applicant is in custody since 06/02/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. At this stage it could not be said that Section 306 of IPC does not attract.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge