

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4919 of 2018**

Omprakash Nishad @ Nandu S/o Shri Ramnarayan @ Narayan
Nishad Aged About 25 Years R/o Village Gujra, Police Station
Bhakara, District Dhamtari, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Bhakara, District
Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kunal Das, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/08/2018**

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. 64/2018 registered at Police Station Bhakhara, District Dhamtari (C.G.) for the offence punishable under Sections 304-B and 302 of IPC.
3. Case of the prosecution, in brief is that the deceased Madhubai @ Mukeshwari was married with the applicant on 07/11/2017. She was the resident of Village Gujra. Applicant was harassing her on account of demand of Cooler, T.V., Fridge etc. as dowry, consequently deceased committed suicide by hanging on 23/03/2018.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail. He further argued that number of witnesses including

mother and father of the deceased have been turned hostile.

5. I have gone through the photocopies of the statements of PW-1 Hemraj and PW-2 Smt. Hombai. PW-1 Hemraj has not been turned hostile.
6. On the other hand, learned counsel for the State opposes the bail application.
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

Kamde