

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5692 of 2018**

- Tuleshwar Singh S/o Krishna Lal Singh Aged About 62 Years R/o- Village- Pacheda, P.S. And Tahsil Janjgir, District- Janjgir-Champa, Chhattisgarh. Present Address- Balco, Korba, P.S.- Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station, Janjgir, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Ravindra Sharma, Advocate.

For Non-applicant : Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2018**

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. 267/2018 registered at Police Station – Janjgir, District – Janjgir Chama (C.G.) for the offence punishable under Sections 302, 304-B/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that marriage of the deceased Smriti @ Nidhi was solemnized with Giteshwar Singh on 13.07.2016. She was resident of village Chandniyapara, Janjgir. Applicant is her father in law. The father in law, mother in law and husband were harassing her on account of demand of dowry. On 25.04.2018 he died due to burn injury. The doctor has

opined that the death may be homicidal in nature.

4. Learned counsel for the applicant submits that the applicant was not present at the time of incident, he is an employee of Balco, vague allegations have been made against him, the applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

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

6. Looking to the facts and circumstances of the case, looking to the statements of witnesses recorded under Section 161 Cr.P.C., looking to the allegation and 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.

7. Consequently, the present bail application is rejected.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE