

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6049 of 2018**

Premshankar Rana S/o Gokul Rana Aged About 29 Years R/o-
Village- Kotra Pali, P.S.- Chakradharnagar, Tahsil And District-
Raigarh, CG

---- Applicant**Versus**

State of Chhattisgarh Through- S.H.O. Chakradharnagar,
Raigarh, District- Raigarh, CG

---- Respondent

For applicant	Mr. Amit Sharma, Adv.
For Respondent/State	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 236/2018 registered in police station Chakradharnagar, Raigarh, Distt. Raigarh (CG) for offence punishable under Sections 306 and 201 of the IPC.
3. Prosecution story in brief is that the applicant is husband of the deceased Kusum Rana. Their marriage was solemnized in the year 2012. On 16-6-2018, the applicant intimated the police station Chakradharnagar that on the same day at about 9 am when the deceased was cleaning her teeth by brush, she fell down and became unconscious. She took her to hospital where doctor declared her dead. As per post mortem report, the death of the deceased was due to asphyxia due to hanging and the nature of the death was suicidal.
4. During investigation, it was found that the applicant used to harass the deceased after consuming liquor. One day prior to the date of incident, in the night a quarrel took place between the

applicant and the deceased.

5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail. He further submits that there is no ingredient of Section 107, IPC. At the time of Naksha Panchayatnama, nobody has levelled any allegation against the applicant.
6. On the other hand, the State Counsel opposed the bail application. However, he submits that there is no criminal antecedent of the applicant reported in the police case diary.
7. Prima facie, at this stage, it cannot be said that provisions of Section 107 of the IPC are not attracted in the case in hand. Allegedly not making any allegation against the applicant at the time of preparation of Naksha Panchayatnama is the subject matter of scrutiny of the evidence.
8. 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.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge