

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6076 of 2018**

Kaju Tirki S/o Devlal Aged About 36 Years Caste- Uraon, R/o- Village-
Katghodi, Chuhiyapara, P.S. And Tahsil Sonhat, District- Korea,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- P.S.- Sonhat, District- Korea,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri D.N. Prajapati, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/09/2018**

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 counsel for the State in connection with the Crime No. 85/2018 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 the applicant is the husband of the deceased Marfi Tirki. 15 years ago the marriage of the deceased was solemnized with the applicant. Applicant was harassing the deceased on account of demand of cash and motorcycle. On 09/05/2018 deceased had told to the applicant to not play the gambling. A dispute was arising between them. Applicant abuse the prosecutrix and used filthy language against her. Thereafter prosecutrix poured the kerosene oil on her body and set her on fire. On 12/05/2018 she died in District Hospital, Baikunthpur.
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.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant further submitted that there was no demand of dowry of last 15 years. Due to hot talk deceased committed suicide. FIR has been lodged on 23/06/2018. these all circumstances are subject matter of the scrutiny of the evidence.
7. Counsel for the applicant further submitted Section 107 of IPC does not attract in the present case.
8. Prima facie it cannot be said that Section 107 of IPC does not attract in the case.
9. 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.
10. Consequently, the MCRC is dismissed.
11. Trial Court is directed to expedite the trial and dispose of the case as early as possible.

Sd/--
(Sharad Kumar Gupta)
Judge