

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6201 of 2018**

Chandan Singh Chouhan, S/o Shri Suvit Chouhan, aged about 33 years, Occupation Electricity Worker, R/o Village Kusmura, P.S. Kotra Road, Raigarh, Tahsil and District Raigarh (CG).

---- Applicant

Versus

State of Chhattisgarh, through SHO, P.S. Kotra Road, District Raigarh (CG).

---- Non-applicant

For Applicant : Mr. Abhishek Saraf, Advocate
For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.10.2018

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.79/2018 registered in Police Station Kotra Road, District Raigarh for the offence punishable under Section 306 of Indian Penal Code.
3. Prosecution story in brief is that the applicant is the husband of deceased namely Laxmi Bai. Her marriage was solemnized with the applicant in the month of May, 2009. On 19.11.2017 the deceased committed suicide by consuming poisonous substance in the house because the applicant was harassing her.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that no specific date has been mentioned regarding harassment by the applicant and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. In the case in hand, Section 107 of IPC does not attract. Counsel for the applicant drew my attention on the statement of Sita Ram (P.W.-5), who is the brother of the deceased.
7. Looking to the facts and circumstances of the case, it cannot be said that *prima facie* Section 107 of IPC does not attract in the case in hand. The statement of Sita Ram (P.W.-5) is a subject matter of scrutiny of the evidence may be done by the trial Court at the time of final disposal of the case. Looking

to the seriousness of the offence and 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.

8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-