

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6630 of 2018**

Salikram Dewangan, S/o Shri Lakhman Dewangan, aged about 27 years, R/o Ward No.03, Dangadipra, Bagbahara, P.S. and Tahsil Bagbahara, District Mahasamund (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Bagbahara, District Mahasamund (CG).
---- Non-applicant

For Applicant	: Mr. R.S. Patel, Advocate
For Non-applicant	: Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.195/2017 registered in Police Station Bagbahara, District Mahasamund for the offence punishable under Section 304B/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the present applicant is a husband of deceased Sangeeta Bai. Their marriage was solemnized prior to five years from the date of incident. After marriage, the applicant and his father and mother co-accused were harassing her on account of demand of dowry. 15 days prior to the date of incident, the applicant assaulted her by beating. On 11.07.2017 she herself committed suicide by hanging.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the applicant is in jail for more than one year and 10 prosecution witnesses have already been examined before the Trial Court, who did not support the prosecution case and as such the applicant may be released on bail. He drew my attention on some paragraphs of statement of A.K. Bhoi (PW-1), Sant Ram Dhruv (PW-2), Tukeshwar Dewangan (PW-3), Ganga Ram Dewangan (PW-4), Suresh Dewangan (PW-5), Smt. Meena Bai (PW-6), Shri Bhuwan Dewangan (PW-7), Khilawan Dewangan (PW-8) and Dewaram Sagar (PW-9).
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he further submits that no criminal antecedent reported against the applicant in police case diary.

6. What would be effect of statements of the aforesaid prosecution witnesses may be considered by the Trial Court at the time of final disposal of the case.
7. Looking to the above mentioned facts and circumstances 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. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-