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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1273 of 2018**

Kaptan Singh Jatav, S/o. Late Bhotu Ram Jatav, aged about 47 years,
R/o. Village- Markatola, P.S. - Korar, Tahsil – Kanker, District – North
Bastar Kanker (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Korar, District North Bastar Kanker (C.G.).

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/10/2018**

1. Apprehending arrest in connection with Crime No.52/2018, registered at Police Station – Korar, District – North Bastar Kanker (C.G.) for offence punishable under Section 306, 498 (A) of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. His wife has committed suicide for the reasons that this applicant is drunkard and as the applicant would not heed to her advice to stop drinking, she got frustrated and committed suicide and there is no evidence regarding demand of dowry and the suicidal note also does not allege anything directly against the applicant. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the statement given by the children of the deceased, it is clearly made out that the applicant tortured the deceased soon before the time of incident and the case falls under the presumption, which is provided under Section 113-A of Evidence Act. Hence, he is not entitled to grant anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Deceased Rekha Jatav was second wife of the applicant with whom marriage of the applicant was performed on 15.03.2016. Within 7 years of marriage on 11.12.2017, the deceased committed suicide by hanging herself. The statement has been given by the witnesses that the applicant used to come in inebriated condition and quarrel and beat the deceased frequently. Hence, this case.
6. Considered the submissions made and the contents of the case diary. There appears to be evidence which may be ground for presumption under Section 113-A of the Evidence Act, hence after due consideration, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge