

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7953 of 2018**

- Nand Kishor Bhoi S/o Nakul Bhoi Aged About 28 Years R/o Village Tal Dadar, Chauki-Sonakhan, Thana Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Chauki-Sonakhan, Thana Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri Samir Singh, Advocate.

For Non-applicant : Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 23/2018 registered at Police Station – Chauki-Sonakhan, Thana Kasdol, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 306 and 498(A) of the Indian Penal Code.
3. Case of the prosecution, in brief is that name of the deceased was Hemlata. Applicant is her husband. Deceased was resident of village Taldadar. Applicant was harassing her subsequently she committed suicide on 08.12.2017.

4. Learned counsel for the applicant argued that applicant has no criminal background, he is innocent, 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 drew my attention towards photocopy of the deposition sheet of some witness.
7. What would be the effect of evidence of prosecution witnesses which have been examined / cross examined by the trial Court would be analysed by the trial Court at the time of disposal of the case. At this stage, for grant of bail applicant does not get any help from them.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, 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.
9. Consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE