

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 353 of 2019**

Chhatrapal Yadav, son of Ramesh Yadav, aged about 34 years, R/o Paraskol, P.S. Dhamdha, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Chhawani, District Durg (CG). **---- Non-applicant**

For Applicant : Mr. Jitendra Gupta, Advocate
 For Non-applicant : Mr. Wasim Miyan, Panel Lawyer
Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

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.729/2018 registered in Police Station Chhawani, District Durg for the offence punishable under Section 306 of IPC.
3. Case of the prosecution, in brief, is that the applicant is a husband of deceased Janavi Yadav. The marriage of the deceased was solemnized with the applicant in the year 2007. She was a resident of Power House, Bhilai. The applicant was harassing the deceased after consuming liquor. He was a habitual drinker. On 22.09.2018, a quarrel was occurred between them. On very day, the deceased poured kerosene oil on her body and set her on fire. She died on 28.09.2018 at Sector-9 Hospital, Bhilai.
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 gave-up to drink the liquor since year 2007. He had tried to save the life of deceased and he had taken her at Bhilai hospital hence he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case and 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE