

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 660 of 2019**

Anil Dubey S/o Shri Laxmi Prasad Dubey Aged About 37 Years R/o
Village Teliyapuran, Jarhagaon Police Station Mungeli Chhattisgarh,
District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Jarhagaon District
Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Prateek Sharma, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/03/2019**

1. Heard on I.A. No. 1, application for taking additional documents on record.
2. Looking to the facts and circumstances of the case, I.A. No. 1 is allowed and the documents are taken on record.
3. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
4. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.133/2018 registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence punishable under Section 306, 506 read with Section 34 of IPC.
5. Case of the prosecution, in brief is that applicant is the husband of deceased Smt. Punita Dubey. Her marriage was solemnized with applicant in the year 2005. On 01/12/2018 he doubted that she is talking with someone. He abused her, beat her by hands and fists, pressed her head on the wall. On very day she left her matrimonial house and reached in her aunt namely Smt. Karuna Tiwari. On 05/02/2018 she was admitted in the hospital where she died. As per the postmortem report cause of death was cardio respiratory arrest. As per the FSL report poison was found in Visra of the deceased.
6. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

He further submitted that in case in hand Section 106 does not attract.

7. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
8. Counsel for the applicant further submitted that as per the statement of the deceased recorded under Section 161 of CrPC, wherein it has been mentioned that she was talking with some boy. On 05/02/2018 she was not present in his house. He also drew my attention on the statement of Gouri Shankar Pandey, who is father of the deceased wherein it has been mentioned that no dispute was arising between applicant and deceased. He drew my attention on the affidavit of Gouri Shankar Pandey wherein it has been mentioned that Shashank Chouhan and Deepak Patel had abetted the deceased. He drew my attention on anticipatory bail order dated 17/12/2018 whereby Additional Sessions Judge, Mungeli has released on anticipatory bail to co-accused Shashank Chouhan.
9. Case of applicant is severe than co-accused Shashank Chouhan who has been enlarged on anticipatory bail.
10. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge