

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 657 of 2019**

Smt. Geeta Devi Bhadauriya W/o Ramkaran Singh Aged About 45 Years R/o Tongpal Police Station Tongapal District Sukma Chhattisgarh, District : Sukuma, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Tongapal District Sukma Chhattisgarh, District : Sukuma, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.R. Tiwari, Advocate
For the State	:	Shri Vikram Dixit, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.21/2017 registered at Police Station Tongpal, District Sukma (C.G.) for the offence punishable under Section 304-B/34 of IPC.
3. Case of the prosecution, in brief is that the name of the deceased is Smt. Smriti Bhadauriya. Applicant is her mother-in-law. The marriage of deceased was solemnized with co-accused Rahul Bhadauriya on 04/03/2014. After the marriage applicant and co-accused were harassing deceased on account of demand of cash. Deceased consumed some poisonous substance as a result of which she died on 18/09/2017 in Maharani Hospital, Jagdalpur.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that applicant was living separately from his son Rahul Bhadauriya. He drew my attention on

certificate Annexure A/2, true copy of electricity bill. He further submitted that as per the charge-sheet Dr. Neeraj Kumar Paikra and Nurse Roopeshewari Khande had talked with deceased and deceased had told that due to torture of applicant and co-accused Rahul she consumed rat killer poisonous substance. He drew my attention of the statement of PW-2 Dr. Neeraj Kumar Paikra and PW-6 Smt. Roopeshwari Khande. He further submitted that grand daughter is also in jail along with applicant, thus she may be released on bail.

7. Looking to the facts and circumstances of the case, looking to the *prima facie* evidence available on record against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde