

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1048 of 2019**

Mukesh Sahu S/o Late Malkham Sahu Aged About 29 Years R/o Banglapara, Charama, District Kanker Chhattisgarh, District : Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Dhamtari District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri D.N. Prajapati, Advocate
For the State	:	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**18/03/2019**

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.06/2019 registered at Police Station Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 306 of IPC.
3. Case of the prosecution, in brief is that deceased Mandakini Jain is the wife of applicant. The marriage was solemnized on 21/08/2018. After the marriage applicant was abusing, beating her. On 02/10/2018 at Dhamtari she committed suicide by consuming poison.
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. He further submitted that applicant had not instigated to deceased for commitment suicide. General allegation have been made against him. She had not committed the suicide in the house of applicant. He drew my attention on the statement of the deceased dated 25/08/2018 wherein she had stated that she had performed the marriage with applicant voluntarily. She had given the said statement happily. He placed reliance on the judgment of Hon'ble Supreme Court in the matter of **Sanju alias Sanjay Singh Sengar Vs. State of M.P.**, reported in **2002(2) CGLJ 128**.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Earlier statement of the deceased dated 25/08/2018 had given at the time of marriage. Thus, at this stage applicant does not get any help from the said statement.
7. The facts and circumstances of the case are different, thus applicant does not get any help at this stage from the aforesaid judicial precedent laid down by the Hon'ble Supreme Court.

8. 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

Kamde