

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1439 of 2019**

Onkar Prasad Rathore, S/o Balak Ram Rathore, aged about 30 years, R/o Sivni, Ward No.11, P.S. Champa, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Champa, District Janjgir Champa (CG).

---- Non-applicant

For Applicant	: Ms. Shivali Dubey, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.04.2019

1. This is third bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.284/2017 registered at Police Station Champa, District Janjgir Champa for the offence punishable under Section 304-B of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 07.05.2018 passed in M.Cr.C. No.1847/2018. The second bail application of the applicant was rejected on merits by this Court vide order dated 15.11.2018 passed in M.Cr.C. No.8213/2018.
3. Case of the prosecution in brief is that the marriage of deceased Nisha Rathore was solemnized with the applicant on 18.04.2017. Applicant and said deceased were reside in village Naya Baradwar. On 21.06.2017 in the night, the said deceased was admitted in Mission Hospital, Champa by the applicant and his family members. She was referred in KIMS Hospital, Bilaspur on 22.06.2017 at about 4:00 p.m. she died. As per postmortem report, deceased was died due to cardiopulmonary arrest, due to poisoning (insecticidal agent) it was suicidal in nature. After the investigation it was found that applicant was harassing the deceased on account of demand of motorcycle, gas cylinder, washing machine.
4. Counsel for the applicant submitted that P.W.-6 Savitri Rathore had been examined before the trial Court, who had stated that deceased has told that she wanted to marry with one Kuldeep hence the applicant may be released on bail.

5. On the other hand, counsel for the State opposed the bail application.
6. On 15.11.2018, this Court has made observation that what would be effect of prosecution witnesses examined by the trial Court especially P.W.-6 Savitri Rathore may be considered by the trial Court at the time of scrutiny of evidence for final disposal of case.
7. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the third bail application of the applicant is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-