

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2469 of 2019**

Bahoriklal S/o Shri Sitaram Kashyap Aged About 33 Years R/o Village-
Karmanda, Police Station And Tahsil- Balauda, Civil And Revenue
District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station- Balauda, Civil And Revenue District- Janjgir- Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri P.M. Shriwas, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

25/04/2019

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.69/2018 registered at Police Station Balauda, District Janjgir-Champa (C.G.) for the offence punishable under Section 498(A), 306 of IPC.
3. Case of the prosecution, in brief is that the deceased is Maheshwari @ Buti. In the year 2006-07 marriage of the applicant was solemnized with deceased. After marriage applicant was harassing deceased on account of demand of Fridge, Cooler, Almirah, T.V., Washing Machine as dowry. In intervening night of 17-18.02.2019 deceased committed suicide after consuming poison. As per the postmortem report injuries were found on dead body of the deceased. The nature of death was suicidal.
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 drew my attention on para 6,8 and 9 of certified copy of statement of PW-1 Vijay Kumar Kashyap, para 7 of

certified copy of statement of PW-2 Manmohan which are part of the bail application.

7. PW-1 Vijay Kumar Kashyap and PW-2 Manmohan are not total hostile witnesses. They had stated against applicant in examination-in-chief.
8. It is well settled legal position that while deal with the bail application the Court cannot scrutinize or appreciate the evidence the Court also cannot touch the merits or demerits of the case.
9. Looking to the above mentioned 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