

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2629 of 2019**

Jageshwar Yadav, S/o late Santram Yadav, aged about 33 years, R/o Nutan Chowk, Police Station Purani Bhilai, Tahsil Patan, District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Purani Bhilai, Civil and Revenue District Durg (CG).

---- Non-applicant

For Applicant	: Mr. Satish Gupta, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.05.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.419/2018 registered at Police Station Purani Bhilai, District Durg for the offence punishable under Section 306 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 27.03.2019 passed in M.Cr.C. No.86/2019.
4. Case of the prosecution, in brief, is that the applicant is the husband of deceased Pushplata Yadav. Marriage of the deceased was solemnized with the applicant in year 2015. On 17.09.2018 at about 00:30 hrs applicant and dead body of the deceased were found in burnt condition in their house. During the investigation, it was found that applicant was harassing her.
5. Counsel for the applicant submitted that there was cordial relation between the applicant and deceased. He had tried to save her life. Deceased was suffering thyroid problem and she is unable to carry pregnancy. In the case in hand, the ingredient of Section 107 of IPC is missing in the case of prosecution.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
7. Counsel for the applicant, in support of his case, he drew my attention on Annexure A/3 & Annexure A/4, which are the part of bail application.
8. The aforesaid circumstances raised by the counsel for the applicant are the subject matter of scrutiny of the evidence.
9. This is well settled legal position that while dealing with the bail application, this Court neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
10. Looking to 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 in the second round of litigation. Consequently, the second bail application is rejected.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE