

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4700 of 2019**

Hemshankar Sahu S/o Purannik Sahu Aged About 35 Years R/o Village Parshadakala, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjeev Kumar Sahu, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14/08/2019**

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.84/2019 registered at Police Station Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Section 306 of IPC.
3. Case of the prosecution, in brief is that applicant is the husband of deceased Yogeshwari Sahu. Marriage of applicant was solemnized with deceased in the year 2003. Applicant was harassing deceased after consuming liquor. On 20/05/2019 deceased consumed poison, subsequently she died in CHC Fingeshwar.
4. Counsel for the applicant submitted that there is neither suicidal note nor dying declaration. Applicant has not subjected deceased with cruelty. He further submitted that he has innocent and falsely implicated in the present case, therefore, he may be

released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submitted that no previous antecedent has been mentioned in the police case diary.
6. Counsel for the applicant drew my attention on Section 113 A of Indian Evidence Act. He placed reliance orders of co-ordinate Bench of this High Court in MCRC No. 3624/2017, Dinesh Prajapati vs. State of Chhattisgarh' passed on 14/07/2017 and in MCRC No. 3556/2019, Vishnu Aadil vs. State of Chhattisgarh' passed on 23/07/2019.
7. In aforesaid orders passed by co-ordinate Bench of this Court no legal principle has laid-down.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record, 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