

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8791 of 2018**

- Om Prakash Sahu S/o Shri Jainarayan Sahu aged about 27 Years R/o Village Achholi, P.S. Tumgaon, Tahsil and District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vivek Tripathi, Advocate
For State/respondent	: Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/01/2019**

1. This is the second bail application. His first application was disposed of by this Court with liberty to revive the same after examination of material witnesses vide order dated 24.7.2018 in MCRC No.4732 of 2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.86/2018 registered at Police-Station-Tumgaon, District-Mahasamund(C.G.) for the offence punishable under Section 306, 304(B) of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The material witnesses namely the father and mother of the deceased have been examined before the trial Court and they have made admissions in support of the applicant, that the deceased had committed suicide because of simple dispute which shows that there had been no demand of dowry. Hence, it is prayed that he may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that on perusal of the deposition of the father and mother of the deceased, it is not made out that there had been no demand of dowry soon after her death, therefore, the application does not deserve to be allowed.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Marriage of deceased Kamini with this applicant was performed on 16.4.2016. Subsequent to that it is alleged that the deceased was subjected to torture and cruel treatment for demand of dowry and motorcycle continuously. The deceased committed suicide by burning herself on 25.10.2017. Hence, this case.
7. Perused the deposition of the father and mother of the deceased the admissions that have been made by both these witnesses have not been declared hostile by the prosecution and their statement needs appreciation which shall be done only by the trial Court itself, hence, I am of the view that this is a not fit case where applicant should be

released on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha