

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9547 of 2018**

- Dushyant Kumar Sahu S/o Namdev Sahu Aged About 37 Years R/o Plot No. L33 ,gandhi Nagar ,kosanagar ,bhilai Nagar District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer ,police Station Supela ,district Durg Chhattisgarh

---- Non Applicant

For the Applicant : Mr. Krishna Tandon, Advocate on behalf of Mr. Vivek Sharma, Advocate

For the State : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/03/2019**

1. Heard on I.A. No.01/2019 for exemption for filing the certified copy of deposition.
2. Upon due consideration, I.A. No.1 is allowed.
3. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
4. Earlier, the first bail application of the applicant was dismissed for want of prosecution by this Court by order dated 15.11.2018 passed in MCRC No.8297 of 2018.
5. Perused the case diary provided by the learned counsel for the State in connection with Crime No.787/2018 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
6. Case of the prosecution, in brief is that applicant is the husband of deceased Chandra Prabha Sahu. Their marriage was solemnized in the year 2010. After the marriage applicant was harassing deceased he used to say her to get the partition in her paternal property. Due to which on 30.07.2018 she committed suicide by hanging herself.
7. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
9. Counsel for the applicant drew my attention on Paragraphs No. 12,13 and 14 of the certified copy of PW-2 Devprabha Sahu and PW-3 Gayatri Devi.
10. This is well settled position that while deciding the bail application, the Court cannot consider the merits or demerits of the case. At this stage, the Court can not scrutinize the evidence.
11. Looking to the facts and circumstances of the case, looking to the impact of granting bail to the applicant on society, the second bail application is rejected.
12. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Parul