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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1390 of 2020

- Ashish Gupta S/o Rameshwar Gupta Aged About 25 Years R/o Bhedmi Putsura, Police Chowki Ganesh Mod, Police Station Balrampur, District Balrampur - Ramanujganj Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer Police Station - Chando Balrampur-Ramanujganj Chhattisgarh. ---- **Respondent**

For Applicant/s	:	Shri C.Jayant K. Rao, Advocate
For State	:	Shri Ravish Verma, G.A.
For Objector	:	Shri Sambhu Gupta, Advocate along with Shri Chhaihat Sonwani, father of the deceased Kirti Sonwani

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/08/2020

1. Heard on application for grant of bail.
2. The applicant has been arrested on 31.10.2019, on the allegation of having committed offence under Sections 302, 201 of Indian Penal Code and Section 3(2) (v) of Schedule Caste & Schedule Tribe (Prevention of Atrocities Act). He moved this application for grant of bail in connection with Crime No.29/2019 registered at Police Station- Chando, District- Balrampur-Ramanujganj (C.G.).
3. Prosecution allegation is that the applicant was an arrogant person and used to harass his wife. It is alleged that on 13.10.2019, the applicant took his wife along with him in the motorcycle and went towards the road, approaching parental house of the deceased Kirti,

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at Garcha and on way, he killed his wife on road and crushed her by motorcycle, resulting in several injuries which proved to be fatal and Kirti died.

4. Learned counsel for the applicant would argue that the allegation against the applicant is false and without any material evidence, collected by the prosecution. He submits that he has been implicated only on suspicion because in the past, there was some incident of quarrel. He would further argue that though, earlier Kirti had levelled allegation of commission of offence under Section 376 of IPC against the applicant, later on, Kirti married with the applicant. He would further submit that except last seen, there is no other clinching evidence to connect the applicant with the alleged commission of offence and there is no eye witness and neither the motorcycle is found containing blood stains nor the clothes seized from him, have been sent for FSL report. Therefore, the applicant may be granted bail.
5. On the other hand, learned State counsel and counsel for the objector submit that the applicant and the deceased had strained relation, the applicant was an arrogant person. It is submitted that the land lord of the applicant namely Vijay Lakra and neighbor Basanti Rathia have stated that on 13.10.2019, between 6 to 7 p.m., the applicant had taken his wife Kirti along with him in the motorcycle and later on, Kirti was found dead, on the road towards her parental village Garcha and the applicant failed to explain this. It is further argued that the applicant's brother-in-law Akshay, brother of the deceased Kirti have stated that in the evening of 14.10.2019, when the applicant came back late in the evening, he pretended that he does not know when and where his wife Kirti has gone and started inquiring about Kirti

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which, prima-facie, shows, the conduct of the applicant that he was misleading the brother-in-law, whereas, he, himself taken his wife from the house.

6. On prima-facie consideration, this case is based on circumstantial evidence. The Post-Mortem report disclosed that Kirti Bai sustained multiple injuries including fracture of ribs and sustained many lacerated and incised wound and died on Cardiorespiratory Arrest due to injury and its complications. The applicant did not inform anybody as to where he left his wife. The land lord and the neighbor have stated that the deceased had gone along with the applicant with his motorcycle in the evening on 13.10.2019. The statement of Akshay brother-in-law told that the applicant was hiding that he had taken her wife on the motorcycle. Therefore, taking into consideration, the circumstances, present does not appear to be a fit case for grant of bail. Therefore, the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge