

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3704 of 2020**

- Lalit Yadav S/o Lalo Aged About 35 Years Caste- Rawat R/o Village Lohar Singh, Police Station- Pusaur, District- Raigarh, Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Chandrapur, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant. : Mr. Harshvardhan Jaiswal, Advocate.
 For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

22.06.2020

1. Heard on admission.
2. The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 106/2019 registered at Police Station : Chandrapur, District Janjgir-Champa (C.G.) for the offence punishable under Section 306 of the IPC.
3. As per prosecution case, the allegation against the present applicant is that the applicant, who is the husband of the deceased, used to harass the deceased by doubting on her character, due to that, she committed suicide by setting herself ablaze. After completion of investigation, offence has been registered against the applicant and he has been arrested.
4. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that their marriage was solemnized about 15 years ago and during that 15 years she had never complained about the harassment by the applicant. Furthermore, no family member of the deceased has complained about the harassment by applicant either mentally or physically. He further contended that the applicant is in jail since 26.01.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

5. On the other hand, State counsel strongly opposes the bail application and submits that the deceased, in her dying declaration, clearly stated that the applicant used to harass her and only the husband/applicant is answerable for her suicide. It is also stated by the deceased in her dying declaration that at the time of incident, the applicant was present there and even he made no efforts to save her, which shows an abetment for this incident, therefore, the present applicant may not be granted bail.
6. Heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature and gravity of the case, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected at motion stage itself.

(Rajani Dubey)
Judge