

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1892 of 2019

- Rajkumar Yadav S/o Shri Jagat Yadav Aged About 32 Years R/o Village Mahavirganj, Sarhar Semarpara, Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sushil Dubey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 136/2019, registered at Police Station Ramanujganj, Distt. Balrampur Ramanujganj, Chhattisgarh for the offence punishable under Section 302 & 304-B/34 of the IPC.
2. As per prosecution story, the applicant is the brother-in-law of deceased Subhadra Yadav. Marriage of the deceased was solemnized with one Amit Yadav in the year 2017. On 24.07.2019, Subhadra Yadav was found dead by hanging in suspicious condition. Allegedly, after the marriage of the deceased, the applicant and other co-accused persons tortured her on account of demand of dowry and soon before her death also, she was subjected to cruelty for the same reason.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is only the brother-in-law of the deceased and is residing separately from last few months in the same village of the deceased i.e. Mahavirganj Sarhar Semarpara, P.S. Ramnujganj, Distt. Balrampur Ramanujganj (C.G.). He further submits that due to some political interference, the applicant has falsely been implicated. Only general allegations have been made against him. *Prima facie* no offence can be made out against him. The counsel further submits that on the same facts and evidence, other co-accused person namely Sangita Yadav has already granted benefit of bail by this Court vide order dated 06.11.2019 passed in MCRCA No. 1451/2019. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that from the material available on record shows that specific allegations have been made against the applicant, he along with other co-accused persons treated cruelty with the deceased though sister-in-law of the deceased Sangita Yadav has been granted benefit of anticipatory bail by this Court but her bail application was allowed because she was a resident of separate village of the deceased, but the applicant is the resident of same village of the deceased i.e. Mahavirganj Sarhar Semarpara, P.S. Ramnujganj, Distt. Balrampur Ramanujganj (C.G.) and specific allegations have been made against him, therefore, his case is different from the other co-accused person. Hence, it is prayed that the applicant may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact

that the applicant is the resident of same village of the deceased and his case is different from other co-accused person namely Sangita Yadav. Without further commenting on other merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge