

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8262 of 2019

- Surendra Kumar S/o Late Kartik Ram Dewangan Aged About 30 Years R/o Village - Serseni, Thana Suhela Tahsil Palari, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For applicant	Mr. Prakash Mishra, Adv.
For Respondent/State	Mr. D.C. Verma, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order on Board****17-1-2020**

1. This is 2nd bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His 1st bail application MCRC No. 4386/2019 was rejected by this Court vide order dated 16-9-2019 considering prima facie case against the applicant.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 126/2019 registered at Police Station– Suhela, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicant is the husband of the deceased Laxmi Bai. Their marriage was solemnised 10 years ago. Applicant was harassing deceased. He was not giving her money for her maintenance. On 22.11.2018 a quarrel took place between them. On the same day, deceased poured kerosene on her body and set herself on fire. She died on 23.11.2018 in Mekahara Hospital, Raipur.
4. Counsel for the applicant submits that father, mother and son of the deceased and one independent witness have been examined

but they have not supported the prosecution case. He drew my attention on para 2, 5, 6, 7, 8, 9 of statement of P.W. 1 Ramesh Kumar Dewangan, para 3 and 6 of statement of P.W. 2 Kumari Dewangan, para 1 of statement of P.W. 3 Priyanshu Dewangan, para 3 of statement of P.W. 4 Dhanush Das. Certified copy of above statements have been filed with the bail application. He prays that the applicant may be released on bail.

5. On the other hand, the Panel Lawyer appearing for the State opposes the bail application. However, he submits that no criminal antecedent against the applicant has been shown in the police case diary. He further submitted that in the case in hand, two material witnesses namely Ram Kumar and Viru Ram Verma are yet to be examined. Hence the bail application may be rejected.
6. In the case in hand, two material witnesses namely Ram Kumar and Viru Ram Verma are yet to be examined. At this stage, the applicant does not get any help from the aforesaid paras of statements of aforesaid witnesses.
7. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in 2nd round of litigation.
8. Consequently, this 2nd bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge