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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 285 of 2021**

- Rohit Patel, S/o Shri Tularam Patel, aged about 24 years, By Profession Contractor, R/o Near Chuuni Singh Talab, Opposite to Swarn Residency, Mopka, PS Sarkanda Bilaspur, Tahsil & District Bilaspur Chhattisgarh.

---- Applicant/accused**Versus**

- State of Chhattisgarh Through Police Station Incharge Seepat District Bilaspur Chhattisgarh.

---- Non-applicant/prosecution

For Applicant	:	Mr. Suresh Pandey, Advocate
For Non-applicant	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

05/04/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.34/2021 registered at Police Station Seepat, District Bilaspur (CG) for commission of offence punishable under Section 306 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.12.2020 at 18.30 hrs deceased Reshma Patel committed suicide by hanging herself. Incident was reported based upon which, after conducting merg inquiry, FIR under Section 306 of IPC was registered against applicant on 27.1.2021.
3. Mr. Suresh Pandey, learned counsel for the applicant submits that the applicant has performed love marriage with deceased Reshma Patel two months prior to date of incident. The applicant had seen the deceased and one Sitaram in compromising position and out of that guilt, the deceased has

committed suicide. The applicant has not committed any offence of abetment as alleged against him. There is no allegation and material that present applicant has committed any cruelty upon the deceased soon before the incident. He further submits that FIR was lodged after lapse of one month from the date of incident. Case registered against the applicant is false and fabricated. Hence, the applicant may be enlarged on anticipatory bail.

4. Mr. Anand Verma, learned Deputy Government Advocate for the State submits that after the marriage, applicant started treating the deceased with cruelty and also assaulting her. Kiran Verma, mother of deceased, and Hema Verma, sister of deceased, have stated in their statements recorded under Section 161 of CrPC with regard to assaults upon deceased by present applicant which has compelled her to take such an extreme step of committing suicide. He read over the statements of Kiran Verma & Hema Verma. He further submits that prior to incident, Sitaram Patel was present in the house of applicant and when he objected calling of tiffin-box by applicant from his parents' house, the applicant started quarrelling with him, therefore, he returned back to his house. He submits that mother & sister of deceased have made specific allegations against present applicant with regard to ill treatment and assaults to the deceased.
5. I have heard learned counsel for both sides.
6. Taking into consideration the nature of allegations against the applicant and statements of Kiran Verma, mother of deceased, and Hema Verma, sister of deceased, recorded under Section 161 of CrPC, I am of the view that present is not a fit case where benefit under Section 438 of CrPC should be extended to applicant. Accordingly, the anticipatory bail application is rejected.

Sd/
(Parth Prateem Sahu)
Judge

roshan/-