

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3678 of 2021

1. Hiru Ram S/o Surajbhan Chaudhary, Aged About 30 Years, R/o Village Darrabandha, Police Station O.P. Chichola, Tahsil Dongargaon, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station O.P. Chichola, P.S. Chhuriya, District Rajnandgaon (C.G.).

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 894/2021 was dismissed as withdrawn on 15/03/2021.
- 3) The applicant is arrested on 04/01/2021 in connection with Crime No. 01/2021 registered at O.P. Chichola, P.S. Chhuriya, District Rajnandgaon (C.G.) for the offence under Section 498-A, 304-B of Indian Penal Code.
- 4) As per prosecution case, marriage of the deceased Kajal was solemnized with the applicant on 18/04/2019 and that after marriage the applicant started treating the deceased with cruelty for not bringing motorcycle in dowry. Further, it is alleged that on 07/11/2020 the applicant administered poison to the deceased as a result of which she died during treatment in Hospital. Out of the wedlock of the applicant and the deceased, a child was born

who was 9 months old at the time of death of the deceased.

- 5) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 04/01/2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail application.
- 7) I have heard the learned counsel appearing for the parties and perused the case diary.
- 8) Considering the facts and circumstances of the case, the nature of allegation against the applicant, the statements of parents of the deceased where they have categorically stated about the cruelty being committed by the applicant with the deceased, she died within 1 and ½ year of her marriage, other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant