

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6439 of 2020**

- Diwakar Yadav son of Mahipal Yadav, aged about 24 years, resident of village Karri, Police Station Passan, Tahsil Podi-Uroda, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Passan, District Korba (C.G.)

---- Respondent

For Applicant : Shri Aditya Khare, Advocate.
For Respondent. : Shri Sameer Uraon, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

11/02/2021

1. The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 09.10.2019 in connection with Crime No.100/2019 registered at Police Station : Passan, District Korba (C.G.) for the offence punishable under Section 304-B IPC.
2. Earlier bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses.
3. The allegation against the present applicant is that he committed cruelty with deceased (wife) for demand of dowry and also harassed her physical and mentally as a result of which she committed suicide by hanging herself. Based on this, offence has been registered. The applicant has been taken into custody on 09.10.2019.
4. Learned counsel for the applicant submits that the applicant never subjected the deceased to cruelty for demand of dowry and the essential ingredients of offence under Section 304-B is completely missing in this case. He also submits that even

before the incident, there was no dispute or complaint whatsoever regarding the demand of dowry. He also submits that till date no material witnesses have been examined in the case due to Covid-19. He next submits that the applicant is in custody since 09.10.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, therefor, he may be released on bail.

5. On the other hand, learned counsel for the State opposing the bail application submits that the deceased committed suicide by hanging herself just 15 days after the marriage and as many as 08 injuries were found on her thigh.
6. Considering the totality of the facts and circumstances of the case, in particular the quality of evidence and nature of offence, I am not inclined to release the applicant on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge