

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1376 of 2020

Rajeshwar Banjare S/o Shri Ashok Banjare Aged About 21 Years R/o Q. No. 21, Ward No. 2, School Para, Tulsi, Mandir Hasaud, Raipur, Tahsil And District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Thana- Mandir Hasaud, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For State	:	Shri Pawan Kesharwani, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No.291/2019, registered at Police Station -Mandir Hasaud, District- Raipur (C.G.) for the offence punishable under Section 306 IPC.
2. Case of the prosecution, in brief, is that the deceased was the wife of the applicant who was subjected to cruelty and torture, due to which, she ultimately committed suicide.
3. Learned counsel for the applicant would argue that in an unfortunate incident, the wife may have, in a heat of moment, committed suicide on any trivial issue, but that would not mean that she was subjected to torture or cruelty of such a degree which drove her to commit suicide. Learned counsel for the applicant submits that though after the death, morgue enquiry was initiated, but FIR was lodged after about one and half year

which itself shows that the applicant is being falsely implicated. Therefore, it is prayed, the applicant may be granted benefit of anticipatory bail.

4. On the other hand, learned counsel for the State opposed the application by submitting that as soon as death had taken place, morgue enquiry was made and in the enquiry, it was revealed that the deceased and her husband had gone inside the room in the night and, thereafter, she committed suicide. Learned State counsel submits that the matter remained in morgue enquiry for quite some time and after arriving at satisfaction that prima facie case is made out, offence has been registered against the applicant because there are statements of torture and cruelty on the deceased by the husband/applicant.
5. Taking into consideration the submissions made by learned counsel for the respective parties, taking into consideration the nature and gravity of allegation, present is not a fit case for grant of anticipatory bail to the applicant.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge