

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8440 of 2020

Rekhram Yadav S/o Shri Bhuwan Yadav, Aged About 32 Years Caste Rawat,
R/o Village Torla, P.S. Patewa, District Mahasamund Chhattisgarh, District :
Mahasamund, Chhattisgarh **----Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Patewa,
District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
---- Respondent

For Applicant	:	Shri Vivek Bhakta, Advocate
For Respondent/State	:	Shri Amit Verma, Panel Lawyer

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

Order On Board

19/03/2021

Heard.

1. The applicant has been arrested in connection with Crime No.153/2020 registered at Police Station- Patewa, District Mahasamund (CG) for the alleged commission of offence under Section 306, 498-A of IPC read with Section 4 of the Dowry Prohibition Act, 1961 (as per charge sheet).
2. Case of the prosecution is that the applicant abetted commission of suicide by continuously torturing and subjecting her to cruelty due to many reasons as stated in the story of the prosecution.
3. Learned counsel for the applicant would submit that the allegation of abetment are only an afterthought and the death has taken place after more than 8 years of marriage, therefore, torturing the deceased as stated in the case of the prosecution appears to be improbable and therefore, story of torture and cruelty much less sustained cruelty has no basis. He further submits that investigation is complete, charge-sheet has been filed and that the applicant is in jail since 25.08.2020, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State counsel opposes the bail application and

submits that the prosecution witnesses being neighbours have stated that the deceased before dying, oral dying declaration given, in which, she stated that she had to commit suicide because of sustained torture and cruelty meted out to her by her husband.

5. Taking into consideration the submission and the material particularly taking into consideration the contents of the oral dying declaration, the application at this stage, is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge