CGHC010372522026 2026:CGHC:45586

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9136 of 2026

- Dharamchand Jaiswal S/o Late Ramadhar Jaiswal Aged About 52 Years R/o Village Rameshpur, P.S. Raghunathnagar, Distt. Balrampur Ramanujganj, Chhattisgarh.

... Applicant

versus

- State of Chhattisgarh Through P.S. Raghunathnagar, Distt. Balrampur Ramanujganj, Chhattisgarh.

... Respondent

For Applicant	:	Mr. Navneet Kumar Yadav, Advocate
For Respondent/State	:	Ms. Anuradha Jain, Dy. Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

28.10.2026

1. The applicant has preferred this third bail application under Section 483 of the Bhartiya Nagarik Surakasha Sanhita, 2023 for grant of regular bail, as he has been arrested on 19.07.2024 in connection with Crime No. 31/2024, registered at Police Station Raghunathnagar, District - Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 302, 201, 304(B) read with 34 of Indian Penal Code. The first bail application preferred by the applicant was dismissed as withdrawn by this Court vide order dated 22.10.2024, whereas the

second bail application was rejected on merits by this Court vide order dated 26.08.2025.

2. Case of the prosecution, in brief, is that Merg Intimation No. 21/2024 was registered under Section 174 of the Code of Criminal Procedure, 1973, and, on the basis of thereof, an FIR was registered against an unknown person. During the course of investigation, the post-mortem examination of the deceased was conducted wherein the cause of death was opined to be asphyxia due to strangulation. The time since death was estimated to be 12-24 hours prior to the post-mortem examination, and the nature of death was opined to be homicidal. Further case of the prosecution is that on 30.04.2024, after having dinner, the deceased Durgawati and her husband went to sleep. At about 2.30 AM, when her husband woke up, he did not find his wife beside him. Thereafter, he started searching for her. On the following day, at about 6:00 AM, his mother informed him that his wife has committed suicide by hanging herself from a tree. During the course of investigation, the police arrested the applicant on the allegation that he had subjected the deceased to cruelty in connection with demand for dowry, thereby committing the alleged offences.

3. The applicant has also annexed the copy of the order sheets of the trial Court to demonstrate that the charges under Section 304-B read with Section 201 of IPC have been levelled against the present applicant whereas against the other co-accused persons, namely, Ankit Jaiswal and Smt. Shivkumari Jaiswal, charges under Sections 302 read with Section 34 of the IPC and, alternatively, under Sections 304-B and 201 of IPC have been framed by the trial Court.

4. Learned counsel for the applicant would submit that the applicant is innocent and he has been falsely implicated in the present case. Initially, he was not named as an accused, and subsequently, during the course of investigation, he was arrested and arrayed as an accused in the charge-sheet. He would further submit that out of 40 prosecution witnesses, only 7 witnesses have been examined so far, and 33 witnesses are yet to be examined. He would also submit that the deceased was allegedly involved in a love affair and was carrying pregnancy of 8 weeks and 3 days. Considering that the marriage between the applicant and the deceased was solemnized on 22.06.2023, the possibility of the deceased having a love affair cannot be ruled out. Therefore, according to learned counsel, the essential ingredients of the offence punishable under Section 304-B of the IPC are prima facie not established against the applicant. He would further submit that the applicant is in jail since 19.07.2024 and more than 2 years, 3 months and 8 days have already elapsed and no progress has been taken place in the trial as only 7 witnesses have been examined and remaining witnesses are not appearing before the trial Court, resulting in delay in conclusion of the trial. Thus, he would pray for releasing the applicant on bail.

5. Per contra, learned State counsel opposing the bail application would submit that the offence under Section 304-B of the IPC is a heinous offence relating to the death of a married woman in connection with demand of dowry. She would further submit that the deceased died under abnormal circumstances within six months of her marriage. She would further submit that the other co-accused persons have been

charged under Section 302 read with Section 201 of the IPC, whereas the present applicant has been charged under Sections 304-B and Section 201 of the IPC. Considering the gravity and seriousness of the offence, learned State counsel prays for rejection of the bail application.

6. I have heard learned counsel for the parties and perused the case diary.

7. In the present case, from the material available in the case diary, particularly the merg intimation and the post-mortem report, it prima facie emerges that the deceased died an unnatural death due to asphyxia resulting from strangulation, and the nature of death has been opined to be homicidal. The prosecution case further indicates that the deceased was allegedly subjected to cruelty on account of suspicion regarding her character and, thereafter, her body was found hanging from a tree.

8. At this stage, the material available on record, particularly the circumstances surrounding the death of the deceased, the nature of the allegations against the applicant and the medical evidence indicating homicidal death, cannot be ignored while considering the prayer for grant of bail. Further, the fact that the applicant is the husband of the deceased and the death occurred within the period contemplated under Section 304-B of the IPC also assumes significance.

9. The Hon'ble Supreme Court, in case of **Chetram Verma vs. State of Uttarpradesh** in **Criminal Appeal No. 770/2026,** decided on

09.02.2026, has emphasised that while considering a bail application in a case involving the unnatural death of a married woman, the Court must take into consideration the nature of the offence, the relationship between the accused and the deceased, the circumstances in which the death occurred, the post-mortem findings and the statutory presumption under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023, corresponding to Section 113-B of the Indian Evidence Act, 1872. The Hon'ble Supreme Court has held as under:-

> "18. We do not propose to observe anything on merits because we are conscious of the fact that the trial is in progress. However, at the same time, we are sure that the impugned order passed by the High Court is unsustainable in law.
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> 19. The impugned order has led to travesty of justice. It was expected of the High Court to consider the bail application keeping in mind:-
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> (i) The nature of the alleged crime;
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> (ii) The punishment provided by the BNS 2023 for the alleged crime;
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> (iii) The relations between the accused and the deceased, i.e., being husband and wife;
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> (iv) The place where the incident occurred;
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> (v) The postmortem report indicating that the cause of death was asphyxia due to strangulation and most importantly, the statutory presumption of commission of offence as envisaged under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023, erstwhile Section 113-B of the Evidence Act, 1872.
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> 20. Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 reads thus:
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> "118. Presumption as to dowry death.-When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death, such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death. Explanation.—For the purposes of this section, "dowry death" shall have the same meaning as in section 80 of the Bharatiya Nyaya Sanhita, 2023.

> 21. We are of the view that the impugned order deserves to be set aside. We should direct the respondent no.2 (original accused) to immediately surrender before the Trial Court. Once he surrenders before the Trial Court, he shall be sent to judicial custody."

10. From the case diary and the merg intimation wherein it has been mentioned that the deceased succumbed to death due to strangulation on the count of doubt regarding the character of the deceased and thereafter, she was hanged and looking to the submissions itself, it is quite vivid that the applicant may be involved in the commission of offence alleging the character of the deceased, therefore, prima facie involvement of the applicant exists, as such, I am not inclined to release the applicant on bail.

11. Accordingly, third bail application is also rejected.

Sd/-
(Narendra Kumar Vyas)
Judge

Manish