

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4402 of 2015**

Khagendra Prasad, S/o Dharam Singh, aged about 20 years,
Caste-Satnami, R/o Village-Dhamni Police Station – Hasaud,
Civil & Revenue District – Janjgir-Champa (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through – District Magistrate/Station
House Officer, Police Station – Hasaud, District Janjgir-Champa
(C.G.)

---- Non-applicant

For Applicants:	Shri Dharmesh Shrivastava, Advocate.
For Respondent/State:	Shri Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.60/2015 registered at Police Station Hasaud, District Janjgir-Champa for the offence punishable under Sections 304(B), 498A & 109/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of Priyanka Malhotra was solemnized with Sanjeev Malhotra on 25.07.2014 and she committed suicide on 3.4.2015 by pouring kerosene oil and setting ablaze and ultimately she died on 10.4.2015.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been

implicated in the crime in question. He would further submit that other co-accused persons namely Dharam Singh & Smt. Mathura Bai, who are father-in-law & mother-in-law of the deceased, have already been granted regular bail by this Court vide order dated 04.08.2015 in M.Cr.C. No. 3741 of 2015 and they were residing separately in Indra Nagar Colony, tahsil Kotma, Distt. Anuppur with the deceased and her husband and the present applicant is residing with them and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person, who has already been granted regular bail by this Court vide order dated 04.08.2015 in M.Cr.C. No. 3741/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 04.08.2015 in M.Cr.C. No. 3741/2015; applicant is in jail since 16.04.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

