

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4493 of 2015

Kamlesh Kesharwani, S/o Shri Baijnath Gupta, aged about 60 years, R/o Near Anshul Aata Chakki, Milan Chowk, Krishna Nagar, Ward No.3, Police Station Supela, Bhilai, Tahsil and District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Police Station Supela, Bhilai, Distt. Durg (C.G.)

---- Non-applicant

For Applicant: Mr. H.B. Agrawal, Senior Advocate with Mrs. Meera Jaiswal, Advocate.

For Non-applicant: Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.985/2014, registered at Police Station Supela, Bhilai, Distt. Durg, for the offence punishable under Section 304B read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that marriage of Parvati Bai (deceased) was solemnized with Deepak Kesharwani on 30-4-2011 and immediately after marriage, the present applicant with Deepak Kesharwani started harassing her in connection with demand of dowry and treated her with cruelty and ultimately, she had committed suicide on 5-11-2014 and thereby, the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that the present applicant is father-in-law of the deceased, he has not committed any offence and he has been

falsely implicated in the case. The applicant is aged about 60 years and there are general and omnibus allegations against him. He is in jail since 4-5-2015. Mother-in-law of the deceased has already been granted anticipatory bail by this Court vide order dated 4-3-2015 passed in M.Cr.C.(A) No.74/2015 and charge-sheet has already been filed. No custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the fact that mother-in-law of the deceased has been granted anticipatory bail, there are general and omnibus allegations against the present applicant, pre-trial detention of the applicant and the fact that charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge