

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5929 of 2015

Rakesh Kumar Kesharwani, son of Kamlesh Kesharwani, aged about 31 years, R/o near Anshul Aata Chakki, Milan Chowk, Krishna Nagar, Ward No.13, Police Station Supela, Bhilai, Tahsil & District Durg (C.G)

---- Applicant

Versus

State of Chhattisgarh through the Police Station Supela, Bhilai, District Durg (Chhattisgarh).

--- Respondent

For the applicant	:	Mr. H. B. Agrawal, Sr.Advocate with Mrs. Meera Jaiswal, Adv.
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.
For the Objector	:	Mr. Vikash Pandey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 985/2014 registered at P.S. Supela, Bhilai Distt. Durg (C.G) for the offence punishable under Sections 304-B/34 IPC.
2. Case of the prosecution in brief is that the marriage of Parwati Bai (deceased) was solemnized with Deepak Kesharwani on 30.04.2011 and immediately after the marriage co-accused Deepak Kesharwani started harassing her for demand of dowry and treated her with cruelty and ultimately, she committed suicide on 05.11.2014 and thereby the offence was committed.
3. Learned counsel for the applicant submits that the present applicant is brother in law of deceased Parwati and he is in jail since 04.05.2015. He further submits that the mother-in-law, father-in-law and cosister-in-law of deceased against whom similar allegations were levelled have been enlarged on bail in M.Cr.C(A). No.74/2015 & M.Cr.C.No.4493/2015 by order dated 04.03.2015 and 08.09.2015.

He therefore prays that being in parity with the case of other accused and looking to the detention period, the present applicant may also be enlarged on bail.

4. On the other hand, learned State Counsel as also learned counsel for the objector opposes the bail application. Learned State Counsel do not dispute the fact that the co-accused against whom similar allegations were made have been enlarged on bail.
5. Taking into account that the allegations levelled against the applicant are similar to that of co-accused who have been enlarged on bail by the co-ordinate Bench of this Court, and looking to the detention of the applicant as he is in jail since 04.05.2015, I am inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**