

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5899 of 2015

Smt. Bhagwati Devi Gupta, W/o. Gaurishankar Gupta, Aged About 62 Years (55) Years, R/o. Ram Bharose Hardware, Gudakhu Line, P.S. Kotwali, Rajnandgaon, Tahsil & Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.C.Tiwari, Senior Advocate with
Mr. Shashi Bhushan Tiwari, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.588/2015 registered at Police Station- Kotwali, Rajnandgaon, District Rajnandgaon (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code.
2. Case of the prosecution is that the deceased Pooja had married with Naveen Gupta, younger son of the applicant, on 17.02.2015 at Arya Samaj Mandir, Raipur and according to the prosecution she was subjected to abetment and cruelty and consequently she committed suicide by hanging on 02.05.2015. The incident happened on 02.05.2015 and the matter was reported subsequently on 08.09.2015 and the applicant has been arrested.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and after the date of incident on 02.05.2015 till 08.09.2015 till four months, no allegations were leveled, however, after four months the afterthought complaint has been made and during the merge and other inquest enquiry no allegations were leveled. He further submits that the charge sheet

has been filed and even the statement of the witness would show that the deceased was not subjected to any cruelty on demand of dowry and she committed suicide herself as she could not adjust herself.

4. Per contra, learned State counsel opposes the prayer for grant of bail. He would submit that the charge sheet in this case has been filed under Section 306 read with Section 34 of IPC and he submits that sufficient evidence is available against the applicant as the crime scene would show that the way the deceased died, it could not have happened.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary and the charge sheet would show that the FIR was made on 08.09.2015 after four months of the incident and the opinion of the Doctor *prima facie* shows that death was caused due to asphyxia by hanging.
7. Having regard to the fact that the charge sheet has been filed only under Section 306 read with 34 of IPC and the applicant is in jail since 05.10.2015 and considering the statement of the witness, without any observation on merit, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge