

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3613 of 2015

- Deendayal @ Dalli, S/o Rupuram Lodhi, Aged about 30 years, Occupation Agriculturist, R/o Village Dhap, P.S. Saja, District-Bemetara (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Saja, District – Bemetara (C.G.)

---- Non-applicant

For Applicant: Mrs. Kiran Jain, Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/2015

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.321/2014 registered at Police Station Saja, District Bemetara, for the offences punishable under Sections 306 & 304-B/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of Mogra Bai (since deceased) was solemnized with applicant – Deendayal

Dalli three years prior to the date of incident i.e. 24.08.2014 and immediately after marriage present applicant & other co-accused persons started harassing her in connection with demand of dowry and treated her with cruelty; and out of harassment and cruelty meted out by the applicants, she committed suicide on 24.08.2014 by setting herself ablaze and thereby committed the aforesaid offences.

(3) Smt. Kiran Jain, learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence, in-fact, on account of some family dispute she poured kerosene oil on her body and set herself ablaze. She would further submit that the applicant made an attempt to save her life, by which he also sustained 55% burn injuries, which is apparent from the document (Annexure A-2) filed along with this bail application. She also submits that statement of the prosecution witnesses have been recorded on 8.2.2015 whereas incident has taken place on 24.08.2014; and other similarly situated co-accused persons have already been released on bail by this Court on 13.05.2015 in M.Cr.C. No. 2258/2015 and, therefore, the present applicant may also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State would submit that the applicant being the husband quarreled with the deceased on the date of offence and on account which she

committed suicide.

(5) Considering the totality of the facts, in particular, the fact that applicant himself suffered burn injuries to the extent of 55% in the incident and he was also hospitalized; considering his pre-trial detention and similarly situated co-accused persons have already been released on bail by this Court on 13.05.2015 in M.Cr.C. No. 2258/2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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/-