

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5047 OF 2015**

Domar Singh Deshmukh S/o Balla Ram Deshmukh, aged about 32 years,
R/o Village Saloni, Police Station Arjunda, Civil and Revenue District Balod
(C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Police of Police Station Arjunda, Tehsil
Gundardehi, District Balod (C.G.)

---Non-applicant

For Applicant	:	Mr. Y.C. Sharma, Advocate.
For-Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 114/2015, registered at Police Station Arjunda, District Balod (C.G.), for the offence punishable under Section 304-B read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, marriage of Vina Bai (deceased) was solemnized with present applicant in the month of April, 2014 and immediately after marriage present applicant and other co-accused persons started harassing her and treated her with cruelty in connection with demand of dowry; and out of humiliation and frustration, she poured the kerosene over her body and set herself on fire on 26/04/2015 and due to this incident she died on 02/05/2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that there is no evidence to connect the applicant in offence in question. He would further submit that co-accused Mother-in-Law Smt. Triveni Bai Deshmukh has been released on regular bail in M. Cr. C. No. 4343/2015 by this Court vide order dated 25/08/2015. He would lastly submit that charge sheet has been filed and applicant is in jail since 16/06/2015 therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that in the dying declaration given by the deceased, she has clearly named the present applicant about the cruelty and dowry demanded by the present applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; dying declaration of the deceased and the death of Vina Bai (deceased) occurred within one year of marriage, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE