

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 301 of 2016

Ranjan, S/o. Kullu Prajapati, Aged About 24 Years, R/o. Village Jhingo,
Police Station Rajpur, District Balrampur-Ramanujgunj, Civil District
Sarguja, Revenue District Balrampur, Chhattigarh

---- Applicant

Versus

The State Of Chhattisgarh, Through S.H.O., Police Station Rajpur, District
Balrampur–Ramanujgunj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/01/2016

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.152/2015 registered at Police Station- Rajpur, District Balrampur-Ramanujgunj (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, the deceased Kusumpati committed suicide by pouring kerosene oil on her body and set herself ablaze on 06.10.2015. The deceased was married to the applicant in the year 2014 and thereby the death under the unnatural circumstances was committed within seven years of marriage, as such, the case has been registered.
3. Learned counsel for the applicant submits that the dying declaration of the deceased was recorded wherein the specific averments have been made against the father-in-law that he forced her to sleep with him. He therefore submits that because of the father-in-law had used to talk immoral, as such, she committed

suicide as per the dying declaration and therefore the ingredients of Section 304-B is not attributed.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the charge sheet and the case diary. The dying declaration wherein she has stated that after the marriage there was a demand of dowry and she never wanted to pay the dowry and therefore the allegations were clamped of theft. Reading the dying declaration as a whole, at this stage, for the purpose of bail, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge