

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1440 OF 2016**

1. Devendra Patker aged about 30 years S/o Shri Shiv Kumar Patker

2. Durgesh Patker aged about 28 years S/o Shri Shiv Kumar Patker

Both residents of Kankali Para Ward No.13 Simga Police Station Simga District Baloda Bazar Bhatapara (Chhattisgarh)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Simga District Baloda Bazar Bhatapara (Chhattisgarh)

---Non-applicant

For Applicants	: Mr. Y.C. Sharma, Advocate
For Non-applicant	: Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/03/2016**

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 applicants who have been arrested in connection with Crime No. 401/2015, registered at Police Station Simga District Baloda Bazar Bhatapara (C.G.), for the offence punishable under Sections

304B, 498A, 306, 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant and other co-accused persons treated Smt. Rajni Patker, wife of applicant No.1 with cruelty and demand of dowry, by which, she committed suicide on 28/10/2015.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this case. He would further submit that co-accused persons have already been granted anticipatory bail by Co-ordinate Bench of this Court in M.Cr.C.(A) No.1363 of 2015 vide order dated 08/02/2016 and their case is identical to that accused persons. He would lastly submit that charge sheet has been filed and applicants are in jail since 10/12/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; role of the applicant No.1; evidence available on record and the fact that his wife died within three months of the marriage, I am not inclined to release the applicant No.1- Devendra Patker

on regular bail. Accordingly, bail application filed on behalf of applicant No.1- Devendra Patker is rejected.

7. So far as the bail application filed on behalf of applicant No.2 is concerned, material available; role of the applicant No.2 in offence in question; his pretrial detention and the fact that his case is identical to other co-accused persons who have already been enlarged on bail, I am of the opinion that present is the fit case, in which, the applicant No.2 should be enlarged on regular bail.

8. Accordingly, bail application filed on behalf of applicant No.2- Durgesh Patker is allowed.

9. It is directed that applicant No.2- Durgesh Patker shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge