

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 2141 OF 2016

Harish Gayakwad son of Vijay Gayakwad aged about 23 years (wrongly written as 27 years) R/o village near Tehka Fatak Tahsil Bhatapara P.S. Bhatapara Gramin District Balodabazar Bhatapara C.G.

---Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Bhatapara Gramin District Balodabazar Bhatapara C.G.

---Non-applicant

And

M.Cr.C. No. 2144 OF 2016

Vijay Kumar Gayakwad aged about 45 years son of late Shri Bhagelu Satnami R/o village near Tehka Fatak Tahsil Bhatapara P.S. Bhatapara Gramin District Balodabazar Bhatapara C.G.

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Bhatapara Gramin District Balodabazar Bhatapara C.G.

---Non-applicant

For Applicants	: Shri Ram Narayan Sahu, Advocate
For Non-applicant	: Shri O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/04/2016

1. Above mentioned two bail applications arise out of a common Crime No. 319/2015, registered at Police Station Bhatapara Gramin, Distt. Balodabazar Bhatapara (C.G.), for the offence punishable under Section 304-B/34 of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.
2. Case of the prosecution, in brief, is that, marriage of deceased Kajal Gayakwad was solemnized with Harish Gayakwad in the month of April, 2013 and on account of cruelty and demand of dowry, she committed suicide on 04/04/2014 by pouring kerosene oil upon her and by setting ablaze and thereafter, died on 07/04/2014.
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 there is no evidence to connect the applicants

in crime in question. He would lastly submit that charge sheet has been filed and applicants are in jail since 28/12/2015, 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; also considering the fact that within one year of the marriage, deceased committed suicide and evidence available on record relating to cruelty and demand of dowry against the husband/applicant- Harish Gayakwad, I am not inclined to release the applicant- Harish Gayakwad on regular bail. Accordingly, bail application (M.Cr.C. No. 2141/2016) filed on behalf of applicant- Harish Gayakwad is rejected.

7. So far as the bail application filed on behalf of applicant- Vijay Kumar Gayakwad is concerned, he is father-in-law of the deceased, aged about 45 years,

evidence available in the case diary; role of the applicant- Vijay Kumar Gayakwad in offence in question and his pretrial detention, I am of the opinion that present is the fit case, in which, the applicant- Vijay Kumar Gayakwad should be enlarged on regular bail.

8. Accordingly, bail application (M.Cr.C. No. 2144/2016 filed on behalf of applicant- Vijay Kumar Gayakwad is allowed.

9. It is directed that applicant- Vijay Kumar Gayakwad 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