

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2646 of 2016**

Pileshwar Verma, S/o Keshwar Verma, aged about 25 years, R/o Village Sarseni, Police Station Suhela, District Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Police Station Suhela, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashok Kumar Shukla, Advocate
For State/Respondent	:	Shri Neeraj Jain, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

7/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.148 of 2015 registered at Police Station Suhela, District Balodabazar-Bhatapara (Chhattisgarh) for the offence punishable under Section 304B IPC. The Applicant is in jail since 28.3.2016.
2. Case of the prosecution, in brief, is that on 1.11.2015 deceased Dhaneshwari Verma committed suicide by burning herself after pouring kerosene on her. The prosecution has registered a case against the present Applicant, who is the husband of the deceased and the father and the mother of the present Applicant. The date of incident is 1.11.2015 and the deceased also died on the same day. FIR was lodged against the present Applicant under Section 304B IPC on account of the fact that the death of the deceased had occurred within seven years of the marriage between the deceased and the present Applicant which had been performed on 10.5.2014.

3. Learned Counsel for the Applicant submits that in fact there is no allegation of any demand of dowry by the present Applicant or his parents or any harassment caused by them to the deceased till 19.12.2015 when for the first time the statements of the father and mother of the deceased were recorded. Learned Counsel further submits that the father and mother of the deceased had also attended the cremation of the deceased on 1.11.2015 and even on the said date or immediately thereafter there was no allegation or complaint made by them against the present Applicant or his parents which itself establishes the fact that the present Applicant has been falsely implicated in the instant case. He further submits that the father and mother of the present Applicant have already been released on bail. Therefore, the present Applicant may also be released on bail.

4. Learned Counsel for the State however opposes the bail application on the ground that the death of the deceased had occurred within 1½ years from the date of her marriage, therefore, a presumption is to be drawn against the present Applicant. He further submits that there is also a statement recorded under Section 161 Cr.P.C. of the father and the mother of the deceased. Since the nature of the offence is serious, the Applicant does not deserve to be released on bail.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the fact that from 1.11.2015 till 19.12.2015 there has been no allegation or complaint made by the parents of the deceased against the present Applicant before the authorities who recorded their statements under Section 161 Cr.P.C., this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said concerned Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge