

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 77 of 2016

Likhram Chauhan, son of Nankuram, aged about 22 years, resident of
Gadainbahri, Police Station Chhal, Tahsil Dharamjaigarh, District
Raigarh. ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station
Chhal, District Raigarh (C.G). ... **Respondent**

For the applicant	:	Mr. Ashish Gupta, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 93/2015 registered at Police station Chhal, Distt Raigarj (C.G) for the offences punishable under sections 304-B (306, 498-A not mentioned in the impugned order) of IPC.
2. As per the prosecution case, wife of the applicant namely Gurwari Bai committed suicide by hanging and she was missing from her house from 04.07.2015. She was married to the applicant 1 ½ years before the incident. According to the prosecution case, she was subjected to torture for demand of dowry of Rs.10,000/-, therefore, she committed suicide.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the dispute arose because of the fact that the applicant used to consume liquor and Jarda (Gutka) and in merg inquiry nothing has been stated about demand of dowry that she was subjected

to torture for demand of dowry. He further submits that in order to attract the ingredients of Section 304-B, the prosecution has to establish that the deceased was subjected to cruelty soon before the death. He also submits that there is no evidence of abetment to commit suicide, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the merg statement. Perusal of the merg statement prima facie do not show that there has been specific mention of torture for demand of dowry and only general allegations have been made.
6. Taking into degree of allegations against the applicant and considering the evidence so available in the case diary as also the fact that the death was committed by hanging, without any observation on merits, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**