

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5364 of 2016

- Bhojraj Deshlahre S/O Shyambrij Deshlahre Aged About 26 Years R/O Minimata Nagar, Newai, P.S. Newai Tehsil & District - Durg Chhattisgarh (As Per Charge Sheet But Not Given In Present Order Impugned)

---- Applicant

Versus

- State Of Chhattisgarh Through : District Magistrate Durg Chhattisgarh

---- Respondent

For Applicant : Mr. A.C. Sahu, Advocate

For respondent : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

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 on 20-1-2016 in connection with Crime No. 18 of 2016, registered at Police Station Newai, District Durg (CG) for the offence punishable under Sections 304-B/34 of the IPC.
2. The case of the prosecution, in brief, is that the applicant was married to deceased Manisha Deshlahre in the year 2014 and thereafter she was subjected to torture for demand of dowry and subsequently she died unnatural death by burn on 19-12-2015 i.e., within seven years of her marriage and thereby the aforesaid offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. Dying declaration of the deceased would show that no demand of dowry was ever made from the deceased, therefore, it cannot be said that the applicant abetted

the deceased to commit suicide. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-1-2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the dying declaration of the deceased wherein it is that the deceased while lighting the stove her saree caught on fire as a result of which she sustained burn injuries.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the dying declaration of the deceased and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju