

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6310 of 2016

- Heeralal S/o Kartik Ram Sahu Aged About 50 Years R/o Village Seonikala, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/11/2016

Heard.

1. This is second bail application for grant of bail. Earlier application was dismissed as withdrawn with liberty to revive in case there is delay in trial.
2. The applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.31/2016, registered in Police Station- Kurud, District- Dhamtari (C.G.) for the alleged commission of offence punishable under Sections 304(B)/34 and 306/34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that even after expiry of six months from the date of rejection of first bail, the trial has not been concluded.

Learned counsel for the applicant further submits that the applicant is father-in-law of the deceased and even according to the diary statement of Bohran, father of the deceased, there is no specific allegation of demand of any dowry or cruelty in connection with demand of dowry soon before her death. It is further submitted that there was some kind of dispute between the applicant and Bohran, father of the deceased, but it had nothing to do with any dowry demand. It has also

come in the statement that the deceased was suffering from serious headache and her treatment was going on since last about one year, despite that the husband sent back to get treated then came back to matrimonial house. According to the applicant, the allegations of demand of dowry are without any detail with regard to the amount or any other articles, date of demand etc, which are only after thought. The incident happened on 07.10.2015, thereafter, wife of accused Mukesh was treated for few days by the applicant and his family members at Dhamtari and when the condition did not improve, she was shifted to Durg hospital, where she succumbed to death on 15.10.2015. Even, thereafter no specific allegations were raised against the applicant, but it is as late as on 17.01.2016 that certain allegations were leveled against the applicant by the father of deceased leading to registration of FIR and arrest.

It is also submitted that other co-accused Sumitra Bai was granted bail by this Court and the case of the applicant is not different from her therefore, the applicant be released on bail on the ground of delay in trial and that against the applicant, no case is made out.

4. On the other hand, learned counsel for the State opposes the bail application and submits that father of the deceased and many other witnesses have alleged that the deceased was being subjected to harassment, cruelty and torture in connection with demand of dowry, thereafter, she was found dead in the matrimonial house having died due consumption of poisonous substance, therefore, in these circumstances, *prima-facie* case is made is out against the applicant and the applicant may be rejected.
5. The applicant is in jail since 18.01.2016, the investigation is complete and the charge-sheet has already been filed. The deceased was daughter-in-law of the applicant. She was brought to the hospital on 07.10.2015 with the history of consumption of poisonous substance. The contents of the diary shows that she was treated at Dhamtari by the applicant and other members and after few days when condition did not improve, she was shifted to Durg and there she succumbed to death on 15.10.2015. The statement of the father of the deceased was firstly recorded on

18.01.2016 and on the basis of it, FIR was lodged when certain allegations were made against the applicant and other members of the family. Therefore, taking into consideration the statements and said circumstances of the case, period of pre-trial detention, age of the applicant and the fact that charge-sheet has already been filed, the application is allowed.

6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge