

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7409 of 2015

1. Rajesh Kushwaha, S/o. Nageshwar Kushwaha, aged about 28 years, Caste-Kushwaha, R/o. Village-Syahimudi, Police Station -Darri, Tahsil – Katghora, Civil and Revenue District – Korba (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Darri, District – Korba (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.122/2015, registered at Police Station – Darri, District – Korba (C.G.) for the offence punishable under Section 498-A, 304(B), 34 of I.P.C.
2. Case of the prosecution, in brief, is that deceased Sarita Verma was married with Surendra Kushwaha on 21.04.2015 and after marriage, sometime kept well and thereafter she was subjected to torture for demand of dowry of motor cycle by the applicant, who is the brother-in-law of the deceased Sarita Verma and the husband, Surendra, consequently Sarita jumped into the Well and committed suicide.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

applicant is the brother-in-law of the deceased and the only general allegations have been attributed to this applicant and the applicant was residing in a separate house and the main allegation of abusing are against the husband, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of the mother, Kusum Devi and Dhanjay Kumar. Perusal of the statement would show that general allegation of demand is attributed to this applicant. Taking into the fact the allegation made against this applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 21.09.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge