

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7758 of 2015

1. Avadhram Dewangan, S/o. Lt. Banwali Dewangan, aged about 63 years,
 2. Smt. Lila Dewangan, W/o. Avadhram Dewangan, (wrongly mentioned as Banwali Dewangan), aged about 60 years,
- Both R/o. Saragaon, P.S. Kharora, District – Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Kharora, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Maneesh Sharma, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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 applicants who have been arrested in connection with Crime No.221/2015, registered at Police Station – Kharora, District – Raipur (C.G.) for the offence punishable under Section 302, 304B/34, 201 of Indian Penal Code.
2. Case of the prosecution, in brief, is that 22.08.2015 at about 2.00 to 05.00 AM, the dead body of the Varsha Dewangan was found in the bathroom of her matrimonial house with stabbed injury. Subsequently, when the investigation was made on the memorandum statement of the Bramhaprakash Vikash Dewangan, the husband of the deceased, the other articles were recovered and at the relevant time, as per the prosecution, the deceased was subjected to cruelty for demand of dowry and therefore, the applicants alongwith other co-accused i.e.

son have committed the murder.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that initially the case was registered under Section 302 of I.P.C. against the son and subsequently the statement was made alleging false allegation of demand of dowry and therefore, it can not be stated that the death was caused because of demand of dowry. He would further submit that the applicants are in jail since 01.09.2015, therefore, the counsel prays that the applicants 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. Perused the case diary and the evidence collected. The allegations have been made against these applicants as also the son that the deceased was subjected to cruelty for demand of dowry. Taking into the timing of the incident, and the date of marriage was of 28.05.2011 and the death has been caused within 4 year of marriage, considering such statement and the place of incident, this Court is not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge