

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7772 of 2015

Hansraj Mahis, S/o. Shri Bhagirathi Mahis, Aged About 36 Years, R/o. Village Telikot, Thana & Tahsil Kharsiya, Civil & Revenue Distt. Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, S/o. Through the Police Outpost Kharsiya, Distt. Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.467/2015, registered at Police Station– Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 304-B, 498-A, 306/34 of I.P.C.
2. Case of the prosecution, in brief, is that the deceased had performed marriage with the applicant five years back and she was the second wife. The first wife was not having issue, therefore, the second marriage was performed and after performance of the marriage, the deceased was subjected to cruelty for demand of dowry and consequently she committed suicide by set her ablaze on 03.10.2015.
3. Learned counsel for the applicant submits that there has been a family difference arose in between the applicant and the deceased as she was the second wife. He further submits that in the merg

enquiry, no allegation of demand of dowry was made against the applicant and the applicant has not abetted the deceased for committing suicide. He further submits that the charge sheet in this case has been filed and according to the charge sheet this fact would be clear that the applicant has been falsely implicated, 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 appearing for the parties and perused the case diary.
6. Perused the case diary and merged enquiry wherein no allegation of demand of dowry has been alleged against this applicant. Taking into the evidence which has been procured by the prosecution, prima facie, it does not appear that the applicant has abetted the deceased for committing suicide. Therefore, taking into facts and circumstances of the case and the fact that the charge sheet has been filed and the applicant is in jail since 05.10.2015, I am inclined to release the applicant on 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 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