

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2344 of 2016

1. Ishwar Vishwakarma, S/o. Padumlal Vishwakarma, aged about 48 years, R/o. Village-Deori, Post Office and Police Station – Bhakhara, District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Bhakhara, District – Dhamtari (C.G.)

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/07/2016

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.46/2016, registered at Police Station – Bhakhara, District – Dhamtari (C.G.) for the offence punishable under Section 304 (B) of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.02.2016, one Neha Vishwakarma committed suicide by hanging. It is further case of the prosecution that the deceased was married to Sushil Kumar Vishwakarma and she was subjected to torture for demand of dowry by the applicant who is father-in-law, therefore, she committed suicide by hanging and the offence has been committed.

3. Learned counsel for the applicant submits the applicant, who is father-in-law of the deceased has been falsely implicated in this case and no demand of dowry was ever made. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.02.2016 and no further investigation is required. Therefore, counsel prays that 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 for the parties.
6. Earlier the Court had directed for production of morgue statements, which were recorded during the morgue enquiry as it was not a part of the case diary and are withheld. Today the morgue statements have been placed. The morgue statement of Girija Bai, who is the mother of the deceased, Gayatri and Ramgopal, wherein the main allegation have been attributed that after consuming liquor, the applicant used to abuse and at times the deceased and her husband were thrown out of the house. Considering such statement primarily, which was recorded immediately after the death, 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

Balram