

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**M.Cr.C.No.1876 of 2016**

Bholenath Nayak @ Baba, Aged about 26 years, S/o Late Manoharlal @ Kanhaiya, R/o Nayaktand, Kharora, Police Station-Kharora, Dist.-Raipur (CG)

**---Applicant**

**Versus**

The State of Chhattisgarh, through SHO, P.S. Kharora, Raipur (CG)

**---Non-applicant**

|                   |   |                            |
|-------------------|---|----------------------------|
| For Applicant     | : | Mr. Vikram Singh, Advocate |
| For Non-applicant | : | Mr. O.P.Sahu, G.A.         |

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board**

**12/04/2016**

**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.187/2015, registered at Police Station-Kharora, District-Raipur (CG), for the offence punishable under Section 304B & 34 of the IPC.

**2.** Case of the prosecution, in brief, is that marriage of deceased Devika was solemnized with the applicant five years prior to the date of F.I.R. i.e. 11.7.2015, but on account of cruelty extended by the present applicant she committed suicide on 17.8.2014.

**3.** Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that this is accidental death which is apparent from dying declaration recorded by the Executive Magistrate on 18.8.2014. There is delay in lodging the F.I.R. as incident took place on 17.8.2014 and F.I.R. has been lodged on 11.7.2015. The applicant is in custody since 14.7.2015 and charge-sheet has already been filed. He would also submit that trial is likely to take time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, considering the dying declaration made by the deceased on 18.8.2014 in which no allegation of demand of dowry is said to have been made against the present applicant and no cruelty is said to have been alleged, extent of delay in lodging the F.I.R., pre-trial detention of the applicant, the fact that charge-sheet has already been filed and no further interrogation is required, 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 the 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.

Sd/-

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-