

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7326 of 2015

1. Ashwini Loniya (wrongly mentioned as Ashwin Loniya), S/o. Man Singh Loniya, aged about 25 years, R/o. Village-Ghutku, Loniyapara, Police Station-Koni, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Koni, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Ms. Nirupama Bajpai, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2016

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.125/2015, registered at Police Station – Koni, District – Bilaspur (C.G.) for the offence punishable under Section 304-B/34 of I.P.C.
2. Case of the prosecution, in brief, is that marriage of deceased Ambika Bai was solemnized with the applicant and immediately after marriage, the applicant and other co-accused persons treated her with cruelty in connection with demand of dowry and out of humiliation and frustration, she committed suicide on 07.06.2015 by pouring kerosene oil upon her, by which, she suffered burn injury and ultimately died.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. She would further submit that no allegation of demand of dowry is made against the present applicant.

She would further submit that other similarly placed co-accused in this case has been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C.No.5242/2015 vide order dated 05.10.2015, therefore, she prays that the applicant may also be released 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 case diary and the order passed in M.Cr.C.No.5242/2015 dated 05.10.2015, wherein the Coordinate Bench of this Court has granted bail to the other co-accused on the ground that the main allegation is against the Ashwini Loniya, the present applicant. Further perusal of the case diary and after going through the statement of the witness I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram