

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2518 of 2016**

Jageshwar, S/o Ramkhelan Sahu, aged about 23 years,
Caste- Teli, Resident of Village Bargada, Police Station and
Tehsil Saja, Civil and Revenue District Bemetara,
Chhattisgarh

---- Applicant**Versus**

The State Of Chhattisgarh Through: Station House Officer,
Police Station -Saja, District Bemetara, Chhattisgarh

-----Non-applicant

For Applicant: Mr. P.P. Sahu, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****01/06/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 364/2015 registered at Police Station Saja, District Bemetara (CG) for the offence punishable under Section 304(B)/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that the deceased Jaambai was married to applicant in the month of May, 2012. Thereafter, she was subjected to torture for demand of dowry as such she left her matrimonial home and came back to her maternal home. Subsequently, when she again taken to the

matrimonial home by the applicant and his family members, she was again subjected to torture for demand of dowry. She died on 26.05.2015, having sustained burn injuries on 25.05.2015.

(3) Learned counsel for the applicant submits that the deceased herself left the house many times, however, she subsequently, joined her matrimonial home and in this case, dying declaration was recorded on 25.05.2015 wherein she stated that she died out of the accident as Chimni fell down. He further submits that similarly situated co-accused persons namely Ramkhelan Sahu, Niranjan, Ramwati & Mohnibai have already been released on bail by this Court in M.Cr.C. No.1653/2016 decided on 21.03.2016 and the applicant is in jail since 5.12.2015, therefore, the applicant may also be enlarged on bail on the ground of parity.

(4) Learned Stated counsel opposes the prayer for grant of bail and submits that as per the explanation given by the mother of the deceased the applicant should not be enlarged on bail.

(5) Perused the case diary and the charge sheet. The Charge sheet contain two dying declarations, one was recorded at 8.50 AM and another one was recorded at 01.15 PM, in the earlier dying declaration when was recorded the mother of the deceased was present. The deceased has stated in the dying declaration the fact that she caught fire as Chimini fire a Chimini fell down into the Saree. Initially, the statement was recorded at 8.50 AM contains the thumb impression of the mother and father of the deceased. Considering such dying declaration and the fact that similarly situated co-accused persons have already been

released on bail by this Court in M.Cr.C. No. 1653/2016 decided on 21.03.2016 and the applicant is in jail since 5.12.2015, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.

(6) Accordingly, the bail application filed under Section 439 of Cr. P.C. Is allowed.

(7) it is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge

D/-