

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2662 of 2016**

Khemraj Patre S/o Mr. Siyaram Patre, AGed about 31 years, R/o village Dhodhapara, Thana Lalpur, District Mungeli, Chhattisgarh.

---- Applicant

versus

State of Chhattisgarh, Through Police Station GRP Raigarh, District Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri B. D.Guru, Advocate.

For Non-Applicant : Shri Gary Mukhopadhyay, Deputy Government Advocate.

Hon'ble Shri P. Sam Koshy, J.

Order on Board**08/06/2016**

1. This is the first application filed under Section 439 of the CrPC for grant of bail to the Applicant who is in jail since 29.12.2015 in connection with Crime No. 27 of 2015, registered at Police Station - Thana GRP, Raigarh, District Raigarh, for the offence punishable under Sections 304(B) and 34 of the Indian Penal Code.
2. Prosecution case, in nutshell, is that the present applicant and his mother Anjor Bai are said to have tortured and subjected the deceased - Seema Patre over a demand of dowry on which she was forced to commit suicide on 10.09.2015 alongwith two minor children, one aged 4 years and another aged 6 months by jumping before a running train.
3. Learned counsel for the Applicant submits that the allegations against the present Applicant are false and fabricated and have only been alleged with an intention to harass him as the death had occurred within seven years of their marriage. According to the Applicant, the deceased and alongwith the children went missing on 10.09.2015 and the present

Applicant alongwith brother of the deceased had jointly searched them in the entire surrounding area but they failed and finally they came to know about the incident on the next day i.e. 11.09.2015 when the body of three persons were recovered from a railway track. It is a case where the family members of the deceased had attended the cremation and at the time of cremation and immediately thereafter also, no complaint of cruelty or torture was levelled against the present applicant. It is only after 40 days i.e. on 19.10.2015 for the first time that the family members of the deceased had deposed before the police authorities about the cruelty and torture meted to the deceased on the basis of which the FIR was lodged on 20.11.2015. Further, the Applicant is in jail since 29.12.2015. Moreover, the other accused person Smt. Anjor Bai, mother in law of the deceased has already been granted bail on 08.03.2016 by this Court in M.Cr.C. No. 899 of 2016. Thus, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that the nature of allegation are very serious and it is a case where three persons had died on account of the act of the present Applicant. Therefore, the present application deserves to be rejected.

5. Having heard learned counsel for the parties, without commenting on merits of the case and taking into consideration the totality of the facts and circumstances of this case particularly that it is only after 40 days that for the first time allegation of cruelty and torture was levelled by the parents of the deceased against the Applicant and also taking note of the fact that the Applicant is in jail since 29.12.2015, this Court is of the considered opinion that the present is a fit case where the Applicant may be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge