

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2758 OF 2016

Shyambrij Deshlahre, S/o Late Bisheshar Deshlahre, aged about 47 years,
R/o Minimata Nagar, Newai, P.S. Newai, Tahsil and District Durg, Civil and
Revenue District Durg (C.G.)

... Applicant

Versus

State of Chhattisgarh, through District Magistrate, Durg (C.G.)

... Non-applicant

For Applicant	:	Mr. S.K. Agrawal, Advocate.
For Non-applicant/State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 20.1.2016 in connection with Crime No. 18/2016 registered at Police Station- Newai, District Durg, for the offence punishable under Section 304-B, 34 of IPC.
2. The case as per the prosecution against the Applicant is that the Applicant and the other co-accused persons used to torture and also subjected the deceased to cruelty forcing her to commit suicide on 19.12.2015 by setting herself ablaze wherein she sustained 89% burn injuries on account of which she was hospitalized and where she succumbed to her injuries on 24.12.2015.
3. Learned Counsel for the Applicant submits that the Applicant is the father-in-law of the deceased and that all the allegations levelled against the Applicant are all general and omnibus and there is no specific allegation of any cruelty or torture inflicted by the Applicant on the deceased. He further submits that on the very next date after the date of incident, i.e., on 20.12.2015, in the presence of the Executive Magistrate a

dying declaration was recorded wherein the deceased had stated that it was an accidental burn and there was no allegation against the Applicant of being the cause for her to commit suicide. Counsel for the Applicant further submits that in any case the Applicant has already remained in jail for a period of about 5 months and therefore he may be released on bail.

4. Learned Counsel for the State however opposes the bail application on the ground that there are serious allegations levelled against the Applicant and that at one instance the present Applicant had also accused the deceased of her character and also used to subject her to cruelty and torture.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case more particularly taking note of the period of detention of the Applicant and also the dying declaration, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail 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.

Sd/-
(P. Sam Koshy)
V. Judge