

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3775 of 2016

- Surendra Kaushik @ Monu S/O Lalaram Kaushik Aged About 23 Years R/O Village Pendri, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Ms. Nirupama Bajpai, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 6-11-2015 in connection with Crime No. 315 of 2015, registered at Police Station Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 304-B, 34 of the IPC.
2. As per the prosecution case, marriage of deceased Nandini Kaushik was solemnized with the applicant and immediately after the marriage, applicant along with other co-accused treated her with cruelty in connection with demand of dowry which led her to commit suicide on 23-10-2015 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that after the incident statement of the mother of the deceased was recorded 161 of the Cr.PC., wherein general allegations have been made against the applicant, but no specific allegation for demand of dowry has been made against the applicant. He would further submit that he applicant has been falsely implicated in this case, the charge-sheet has been filed in this case, the applicant is in jail since 6-11-2015 and no further investigation is required. He would further submit that similarly placed other co-accused

persons Lalaram Kaushik, Nini Bai and Jagesh Kaushik have been granted bail vide order dated 16-3-2016 passed by co-ordinate Bench of this Court in M.Cr.C.No. 1487 of 2016 & M.Cr.C.No. 1515 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the mother of the deceased recorded under Section 161 of the Cr.P.C, wherein general allegations have been made against the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statement of the mother of the deceased, charge-sheet has been filed, the applicant is in jail since 6-11-2015 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju