

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5305 of 2016

1. Vinod Adwani, S/o. Manohar, aged about 30 years, R/o. Kashyap Colony, Karbala Road, Behind of Surya Hotel Bilaspur, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – City Kotwali, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. S.C. Verma, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/10/2016

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.186/2013, registered at Police Station – City Kotwali, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 304-B/34 and 302/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Soumya Advani was married to Rakesh Adwani on 22.04.2012 and she committed suicide on 10.06.2013. The complaint was made by Radha Kishan, father of the deceased that the deceased was subjected to torture for demand of dowry, consequently, she committed suicide within 7

years of marriage and the allegations were attributed against the husband and his other 5 brothers.

3. Learned counsel for the applicant submits that this applicant, who is brother-in-law of the deceased was separated from his father because of family dispute, which would be evident from the paper publication and the affidavit and the paper publication is of 18.08.2009 much before the date of incident he was residing separately, therefore, he was not a party to any crime. It is further submitted that charge sheet in this case has been filed and the applicant is in jail since 14.07.2016, therefore, the applicant may be enlarged 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.
6. Perused the documents as also the copy of the paper publication, which is of 18.08.2009, wherein it appears that public notice was made by the father of the present applicant that he has been separated from the property. Taking into fact that charge-sheet in this case has been filed and further considering the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram