

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6140 of 2016

Manoj Gupta, S/o. Ram Das Gupta, Aged About 37 Years, R/o. Mahasakti Chowk Kota, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.10.2016

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 in connection with Crime No.91/2016 registered at Police Station- Kota, District Bilaspur (C.G.) for the offence punishable under Section 304-B & 201/34 of Indian Penal Code.
2. As per the prosecution case, the applicant was married to one Pooja Gupta @ Urmila Gupta prior to 4 ½ years of the date of incident i.e. 04.05.2016. She committed suicide by hanging on 04.05.2016 and it is alleged that the applicant, who is husband, after consuming liquor used to torture the deceased and used to assault and ask for money after loosing money in the gambling; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that false allegation for demand of dowry has been attributed against the applicant. He further submits that there might have some dispute but the deceased was not subjected to cruelty for demand of dowry as one child is also born out of the wedlock. He further submits that the

charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. Considering the statement of the father of the deceased Ram Narayan Gupta and the brother Ravi Gupta wherein allegation has been made that the applicant used to consume liquor and used to gamble and thereafter after loosing used to demand money from the deceased. Taking into such statement, without any further observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge