

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6391 of 2016

Brijnandan @ Bina @ Vinay, S/o. Ramnath, Aged About 30 Years, R/o. Gandhi Chowk, Ward No. 9, Patan, Police Station Patan, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Patan, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/10/2016

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.03/2016 registered at Police Station- Patan, District Durg (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code.
2. As per the prosecution case, one Nirmala Bai died on 18.12.2015 by setting herself ablaze. She was married to the applicant on 20.04.2010, thereafter, she was subjected to cruelty for demand of dowry and eventually she died an unnatural death and as such the offence has been committed by the present applicant and other co-accused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and there is no demand of dowry ever has been made and the marriage is of the year 2010 whereas the incident happened after five years. It is stated that though there

has been some loan was demanded which cannot be attributed as demand of dowry and therefore the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the father Krishna Pal which is the part of the case diary. Considering the statement of the father including the merg statement and the allegation attributed to the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge