

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6636 of 2016

- Neelkanth Yadav S/o Shri Sukhiram (Sukhitram) Yadav Aged About 29 Years R/o Village Thelkadeeh, Police Station & Tahsil- Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant : Mr. Shashibhushan Tiwari, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

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 on 11-7-2016 in connection with Crime No. 236 of 2016, registered at Police Station Khairagarh, District Rajnandgaon (CG) for the offence punishable under Section 304-B/34 of the IPC.
2. Case of the prosecution, in brief, is that one Varsha Yadav was married to present applicant in the year 2010 and on 17-4-2016 she set herself ablaze and ultimately she died on 21-4-2016. It is alleged that the applicant who is husband of the deceased used to torture her for demand of dowry, therefore, she died unnatural death and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that subsequently dying declaration of the deceased was taken by

the State wherein no allegations have been attributed to the present applicant and only general and omnibus allegations have been attributed to the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. Case diary also contains the additional dying declaration wherein no allegations have been attributed to the present applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the dying declaration of the deceased and other statements of witnesses in which general and omnibus allegations have attributed to the applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 11-7-2016, this court is inclined to release the applicant on bail.
7. 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

