

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6698 of 2016

1. Shailendra Kumar Dhruv, S/o. Tiharuram Dhruv, aged about 25 years, R/o. Village-Dhabadih, Tahsil and Police Station : City Kotwali Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

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

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2016

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.229/2016, registered at Police Station – City Kotwali, Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Ravita Bai died because of burn injury and she was married to the present applicant on 21.04.2015. Subsequently, after the marriage, she was subjected to torture for demand of dowry by the family members and the present applicant, who is the husband and the deceased Ravita Bai died due to burn injury on 12.11.2015.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and only general allegation has

been attributed against the present applicant. It is further submitted that similarly placed co-accused persons in this case have been enlarged on bail vide order dated 07.09.2016 in M.Cr.C.No. 5280/2016 and the applicant is in jail since 13.07.2016, therefore, the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statements. Considering the facts and circumstances of the case, evidence so collected and further taking into the fact that similarly placed co-accused persons in this case have been enlarged on bail vide order dated 07.09.2016 in M.Cr.C.No. 5280/2016, 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