

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6826 of 2016

- Bhagwani S/o Mehattar Sinha, Aged About 60 Years R/o Ward No. 10, Village Khamhariya, Police Station, Tahsil Than Khamhariya, Civil & Revenue District Bemetara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Than Khamhariya, District Bemetara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-11-2016

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 5-7-2016 in connection with Crime No. 98 of 2016, registered at Police Station Khamhariya, District Bemetara (CG) for the offence punishable under Sections 304-B, 306/34 of the IPC.
2. As per prosecution case, on 6-6-2016 oe Sakun Sahu @ Khileshwari committed suicide by setting herself ablaze. It is alleged that she was married to Durgesh one and half months prior to the date of incident and the applicant who is the father-in-law along with other co-accused persons used to treat the deceased with cruelty for demand of dowry and consequently she died in unnatural circumstances.
3. Learned counsel appearing for the applicant would submit that the general allegations have been attributed to the present applicant

and on trivial dispute she committed suicide. He would further submit that the case of the present applicant is similar to that of other co-accused persons namely Bisahin and Ashok who have been granted bail vide order dated 27-9-2016 passed by this Court in M.Cr.C.No. 5792 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of other co-accused persons who have been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 6-6-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am 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