

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7201 of 2016

1. Santosh Kumar Goswami, S/o. Shri Biharinath Goswami, aged about 28 years, R/o. Belsar, P.S. - Trikunda, Out Post Dindo, District – Balrampur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station – Trikunda, Sarguja (C.G.)

---- Respondent

For Applicant : Ms. Soniya Kuldeep, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2016

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.26/2016, registered at Police Station – Trikunda, District – Balrampur (C.G.) for the offence punishable under Section 304 (B) of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Kavita Goswami committed suicide on 15.06.2016. She was married to the present applicant on 17.03.2016. It is alleged that she was subjected to cruelty for demand of dowry, consequently, she died unnatural death within a short time. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that statements of Savita, sister of the deceased, Gokul, father of the deceased was

recorded on 29.07.2016, wherein no direct allegation have been attributed to the present applicant that the applicant has demanded the amount or subjected the deceased for dowry. It is further submitted that the applicant is in jail since 12.06.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of father Gokul Prasad, sister – Savita and one Karam Sai, Sarpanch, who went immediately after the deceased set-herself ablaze. Considering the statement of Karam Sai without any further observation on merits, 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