

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7002 of 2016

Ramlal Nirmalkar S/o Balbhaddar Nirmalkar, Aged About 27 Years
R/o Village Khapri (Mendh) Post Damru, Thana - City Kotwali,
Tahsil And District Balodabazar Chhattigarh

---- Applicant

Versus

State Of Chhattisgarh Through Aaraksi Kendra - City Kotwali
District Balodabazar Chhattisgarh

---- Respondent

For applicant - Shri Arvind Shrivastava, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/11/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.76/2013 registered in Police Station City Kotwali District Baloda Bazar (CG) for offence punishable under section 304 B R/w 34 of the IPC (Offence under Section 340 B/34 of I.P.C. is wrongly mention in the impugned order).
2. As per the prosecution case, on 30/10/2011 one Geetanjali Nirmalkar died within 7 years of marriage in unnatural circumstances by burn. It is alleged that the applicant alongwith other family members used to torture the deceased for demand of dowry. Consequently, she died unnatural death. The applicant Jeth brother-in-law of the deceased also used to torture the deceased, thereby offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and other co-accused were tried and they have been discharged and no witnesses deposed against any of the alleged accused. He further submits that the present applicant is Jeth (brother-in-law) of the deceased and was residing separately and he has been falsely implicated in this case and he is in jail since 22/09/2016,

therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the Jamuna Bai and Sahodri Bai Nirmalkar wherein general allegations have been attributed against the present applicant. Also perused the judgment dated 3/01/2014 wherein after trial, Balbhaddar Nirmalkar has been acquitted of the charges. Considering the nature of allegation levelled against the applicant, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE