

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7919 of 2016

1. Tameshwar Yadav, S/o. Krishna Yadav, aged about 26 years, R/o. Village- Tiloda, Chowki, Machandur, Police Station Utai, Tahsil, Civil and Revenue District- Balod (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Utai, Civil and Revenue District – Durg (C.G.)

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2016

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.173/2016, registered at Police Station – Utai, District – Durg (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 Rewti Bai committed suicide by hanging on 22.06.2016. It is alleged that she was married to the present applicant in the year 2014 and she died unnatural death within seven years of marriage for the reason that she was subjected to torture for demand of dowry by the present applicant along with other family members. Thereby the offence has

been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and during two years no allegation of dowry was reported and the reasons of death was some other reason as there was some doubt was raised to the character of the deceased, therefore, she committed suicide and it was not because of demand of dowry, 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. It appears, after the death, the report was made by the father of the deceased on 28.06.2016, wherein general allegations have been attributed. Further the morgue statement was recorded, which is the part of the case diary on 23.06.2016.
7. Perused the case diary as also the morgue statement recorded of father, Santosh Yadav and Pitambar Yadav on 23.06.2016, wherein initially no allegation is attributed of demand of dowry. Taking into such fact, 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram