

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7014 of 2017

Dikesh Kumar Sahu S/o Anil Kumar Sahu Aged About 31 Years R/o
Churiyardihi Para, Ward No. 1, Nagri, P. S. Nagri, District Dhamtari
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through The Police Station Nagri, District Dhamtari
Chhattisgarh **--- Respondent**

For Applicant	:	Mr. Pawan Kesharwani, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

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.29 of 2017, registered at Police Station – Nagri, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 498 and 304B/ 34 of the Indian Penal Code.
2. Case of the prosecution is that the applicant and another co-accused subjected the deceased to cruelty in connection with demand of dowry and she died of burning in suspicious circumstances.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. Deceased Deepika Sahu applicant's wife got accidental burn injuries on 16.12.2016 when she was performing pooja in her residence. The applicant was not present at the time of incident. The dying declaration was recorded on 18.12.2016 in which the deceased made a statement that she caught fire accidentally and got burn injuries. Subsequent to that, complainant – Keshav Ram Sahu, father of the deceased has lodged a false written complaint on 27.1.2017 after due deliberations. On the basis of FIR dated 11.5.2017, the case has been registered, investigated and the charge-sheet has been filed before the

Court. The trial has also commenced. The applicant is in jail since 13.6.2017. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement recorded under Section 161 of the Cr.P.C. given by the witnesses mention the role of the applicant in subjecting the deceased with cruelty and torture for demand of dowry. Hence, for these reasons, the applicant is not entitled for bail.

5. Heard counsel for both the parties and perused the case diary. Considering the submissions made and as per the contents of the case diary, specifically the dying declaration of the deceased, the postmortem report and also the statement of the witnesses, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge