

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6581 of 2017

Manoj Soni S/o Rameshwar Prasad, Aged About 38 Years R/o Camp - 1, Road No. 18, Prem Nagar, Bhilai, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

Shri Uttam Pandey, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/12/2017

Heard.

The applicant has been arrested in connection with Crime No.251/2017 registered at Police Station – Chhaoni, Bhilai, District – Durg (CG) for alleged commission of offences under Section 304-B/34 of IPC.

2. Case of the prosecution is that the applicant and other accused subjected the deceased to cruelty in connection with demand of dowry and thereafter, the deceased was found dead in suspicious circumstances in the matrimonial house and the postmortem report indicates the death due to hanging.

3. Learned counsel for the applicant submits that the family members of the deceased, in order to take revenge, have involved each and every relative of the husband of the deceased, including the present applicant who is the husband of Narendra Soni's sister. Narendra Soni is the husband of the deceased – Jyoti. Further submission is that the allegations against the applicant are omnibus, without any specific incident and highly improbable that the applicant who is residing separately would indulge in the act of demand of dowry. It is further submitted that

investigation is complete, charge sheet has been filed and looking to the improbability of allegations against the applicant, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that in the Court as well as in the case diary statement, the allegations are not only against the husband and the sister-in-law of the deceased but also the applicant, who is the husband of the sister-in-law. Therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the allegations against the applicant appear to be improbable because the applicant is living separately and had no reason to join the issue of demand of dowry and that the allegations against him are omnibus, without any specific detail, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge