

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 291 of 2017

Khomlal Yadav, S/o. Shri Bhondu Yadav, Aged About 26 Years, R/o. Bazaar Chowk Sirsa Khurd, Chowki Jewra, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.464/2016 registered at Police Chowki Jewra, Police Station- Pulgaon, 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 Pooja Yadav committed suicide by setting herself ablaze on 21.09.2016. It is alleged that she was subjected to cruelty for demand of dowry for which previously a report was made on 22.02.2016. Subsequently, after seven months, she committed suicide.
3. Learned counsel for the applicant would submit that the date of marriage was in the year 2014 and the applicant has been falsely implicated. He further submits that in the dying declaration, no allegation is attributed to the present applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents, which shows that prior to the incident on 22.03.2016, earlier a report was made against the present applicant. Considering the dying declaration and the report made, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge