

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 446 of 2017

- Kamta Ram Meshram S/o Bishat Ram Meshram, Aged About 28 Years R/o Ruvabandha Basti, Jhiriyapara, Bhilai, Police Station Sector-6, Bhilai, Tahsil & District Durg, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the District Magistrate, Durg, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate
For the Respondent	:	Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 552/2016 registered at Police Station Bhilai Nagar, District Durg (C.G) for the offence punishable under Sections 304-B/34 IPC.
2. As per the prosecution case, one Manju Yadav died in unnatural circumstances on 09.08.2016 by hanging. She was married to the present applicant in the year 2013. It is alleged that the applicant used to torture the deceased for demand of dowry and consequently Rs.50,000/- was paid and despite that, the demands further continued, therefore, she died in unnatural circumstances within 7 years of the marriage.
3. Learned counsel for the applicant would submit that the deceased and the applicant performed love marriage, thereafter she could not go along-with family and earlier to that, she wanted to make a report on 02.12.2015 which

would show that the deceased was not subjected to any demand of dowry and initially the dispute arose between the husband and wife as she wanted to stay apart, therefore, false allegations have been attributed. He further submits that the charge sheet has been filed and the applicant is in jail since 21.09.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the report of mother of deceased as also the report which is alleged to be written by the deceased on 02.12.2015. A reading of the alleged report dated 02.12.2015 would show that no the demand is stated to have been existing. Therefore, without any further observation on merits of the case, I am inclined to release him on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**