

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 402 of 2017

- Bhojram Sahu S/o Shyam Kumar Sahu, aged about 30 Years Occupation Business, R/o Taraimal, Police Station Dharamjaigarh, Presently Residing Village Raikera, Police Station Gharghoda, District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Gharghoda, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-03-2017

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 on 25-9-2016 in connection with Crime No. 274 of 2016, registered at Police Station Gharghoda, District Raigarh (CG) for the offence punishable under Section 304-B of IPC.
2. As per prosecution case, deceased Bal Kumari was married to present applicant on 28-8-2010. It is alleged that she was subjected to torture for demand of dowry and she died on 23-9-2016 by consuming poison within seven years of marriage and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there has been some dispute between the applicant/husband and deceased/wife and it is alleged that she was assaulted for which a report was made on 31-8-2016 which would show that no demand of dowry was made and the applicant being husband used to suspect the character of his wife which led to dispute. It is further submitted that subsequently allegation of demand of

dowry has been leveled against the applicant. He would further submit that the applicant has been falsely implicated in this case, charge-sheet has been filed in this case, he is in jail since 25-9-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the merg statement of Sahadev, brother of the deceased, statement of Basanti Bai, sister of the deceased and also Rojnamcha wherein no allegation of demand of dowry has been made. The documents would further show that the dispute was in respect of suspicion of the character of the wife.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, the evidence collected by the prosecution and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 25-9-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju