

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 528 of 2017

- Dharmendra Gupta S/o Mangru Gupta, Aged About 20 Years R/o Sharma Colony, In Front Of Dena Bank, Camp No.2 Bhilai, Police Station Chhawani, Tahsil & District Durg Chhattisgarh (The Applicant Named Not Mentioned In Impugned Order But Name Has Been Mentioned As Per Challan)

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chhawani, District Durg Chhattisgarh

---- **Respondent**

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. U.K. S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

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 8-6-2016 in connection with Crime No. 353 of 2016, registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Sections 304-B/34 of the IPC.
2. As per prosecution case, a report was made by Pyare Lal Gupta, who is father of the deceased that on 6-6-2014 deceased Kiran Gupta was married to Munna and thereafter she was subjected to cruelty for demand of dowry and the present applicant Dharmendra Gupta, who is brother-in-law of the deceased, was also part of the crime to commit cruelty and thereby she died unnatural death within seven years of her marriage and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated and only omnibus and general allegations have been attributed to the present applicant. He would further submit that some dispute occurred between deceased and her husband on 4-6-2016 and no allegations have been attributed to the present applicant who is brother-in-law of the deceased. It is further submitted that charge-sheet has been filed in this case, he is in jail since 8-6-2016 and no further investigation is required. He would further submit that the case of the present applicant is similar to that of other co-accused persons, who are father-in-law and mother-in-law of the deceased against whom same allegations have been attributed, have been granted bail vide order dated 29-11-2016 passed by this Court in M.Cr.C.No. 7459 of 2016, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to that of other co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 8-6-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju