

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 640 of 2017

- Rajesh Kumar S/o Rama Sahu, Aged About 26 Years R/o Village Rasouta, Police Station Pamgarh, Civil And Revenue District Janjgir Champa Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Pamgarh, District Janjgir Champa Chhattisgarh --- **Respondent**

For the applicant	:	Mrs. Seema Singh, Advocate
For the Respondent	:	Mr. D.R. Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.02.2017

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. 120/2016 registered at Police Station Pamgarh, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 304(B)/34 of IPC.
2. As per the prosecution case, the applicant was married to deceased Sita Bai on 29.03.2015. Thereafter she was subjected to torture for demand of dowry as the motorcycle was demanded by the applicant and her mother. Consequently, Sita Bai died in unnatural circumstances by burning on 21.05.2016 that is within 7 years of the marriage, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the mother of deceased Burki Bai has been examined and reading of the statement would show that she has only made

general and omnibus allegations and no specific allegations of demand of dowry and torture have been attributed. It is further submitted that the deceased herself has eloped with one Manik Puri and that may be the reason for ending her life. She further submits that the charge sheet has been filed and the applicant is in jail since 01.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of Burki Bai and Kanhaiya which were recorded before the Court. Considering such statements of witnesses as also the fact that the charge sheet has been filed and the applicant is in jail since 01.06.2016, without any further observation on merits of the case I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE