

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1324 of 2017

- Ismile Ansari S/o Kasim Ansari, Aged About 22 Years (Wrongly Mentioned Kasam In The Impugned Order), R/o, Mominpur, Ambikapur, Police Station Ambikapur, Distirct- Surguja, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Samer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-03-2017

1. This is 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 11-11-2016 in connection with Crime No. 793 of 2016 registered at Police Station Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Section 304-B/34 of the IPC.
2. As per the prosecution case, one Salma @ Sloniya was married to the present applicant on 1-5-2014 and she committed suicide by hanging on 4-10-2016. It is alleged that she died unnatural death within seven years of her marriage, she was subjected to torture for demand of dowry and Rs. 5 lakhs and other items were demanded by the applicant and other co-accused persons and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. Deceased

committed suicide as she was in love affair with one Dilanwaj Ansari and she wanted to stay with him, therefore, she had left many time for which a meeting was held in Gram Panchayat prior to that incident. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 11-11-2016, therefore, he may be released on bail

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Perused the statements of the witnesses and case diary which contains the agreement dated 26-8-2016 wherein agreement was entered that the applicant shall not misbehave with the deceased. Case diary also contains the report made by the deceased against the applicant prior to the incident.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence and considering the statements of the witnesses, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju