

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1481 of 2017

Kamlesh Deshlahre, S/o. Ram Kumar Deshlahre, Aged About 21 Years, R/o. Khangarpath, Police Chowki -Kandarka, Police Station -Berla, District -Bemetara, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Berla, District -Bemetara Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 1482 of 2017

Ramkumar Deshlahre, S/o. Late Bhikhari Ram, Aged About 48 Years, R/o. Khangarpath, Police Chowki -Kandarka, Police Station- Berla, District -Bemetara, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Police Station: Berla, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.P. Sahu, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Adovcate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

1. Both the bail applications are heard together and decided by this common order as they are arising out of the same crime number.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.363/2016, registered at Police Station – Berla, District – Bemetara (C.G.) for the offence punishable under Section 304-B & 109/34 of Indian Penal Code.

3. As per the prosecution case, one Sumita died unnatural death on 29.10.2016. She was married to the applicant -Kamlesh Deshlahre on 26.09.2016 and the applicant – Ramkumar Deshlahre was the father-in-law of the deceased. It is the case of the prosecution that she was subjected to torture for demand of dowry, consequently within a month of the marriage, she died unnatural death. Thereby the offence has been committed.
4. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. It is further submitted that the deceased herself was not happy with the marriage and she was not subjected to torture for any demand of dowry. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the applicants are in jail since 02.12.2016, therefore, the applicants may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Perused the case diary, documents and the statements of Saraswati Bai and Janak Bai, who are the neighbours and interacted with the deceased immediately after the incident, wherein no allegations is attributed to the applicants for demand of dowry. Considering the same without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram