

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 1942 OF 2017

Neelam Sen, son of Firanta Sen, aged about 27 years, Resident of Village Bhaisa, Police Station and Tahsil Simga, Civil and Revenue District Baloda Bazar Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Simga, Civil and Revenue District Baloda Bazar Bhatapara (C.G.)

---- Non-applicant

For Applicant : Mr. Janak Ram Verma, Advocate

For Non-applicant : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2017

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 in connection with Crime No.356/2016 registered at Police Station- Simga, Civil & Revenue District Balodabazar Bhatapara (C.G.), for the offence punishable under Sections 304-B and 498 of Indian Penal Code.
2. As per the prosecution case, one Anita Sen had caused burn injury on 8.12.2016 and she succumbed to the burn injury on 25.12.2016. She was married with the present applicant on 15.4.2016 and it is alleged that the present applicant subjected her to torture on account of demand of dowry, and subsequently, she died unnatural death within seven years of her marriage.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated

in the case. He further submits that there is no evidence of demand of dowry, however, there had been some quarrel took place between the applicant and the deceased i.e. husband and wife, for which, the applicant cannot be charged under Section 304-B of the IPC. He lastly submits that applicant is in jail since 27.12.2016, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the prayer for grant of bail to the applicant.
5. Perused the case diary and the dying declaration of the deceased as also the statement of mother of the deceased, namely, Nirmala Bai Sen recorded under Section 161 of the CrPC. Taking into consideration the fact that the applicant is in jail since 27.12.2016, I am inclined to release the present applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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)
Vacation Judge