

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2968 of 2017**

Ravishankar Sevar S/o Konda Ram Sevar Aged About 23 Years R/o Village Bawankera, Police Station Patewa, Tahsil And District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Of Police Station Patewa, District Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.222 of 2016, registered at Police Station – Patewa, District – Mahasamund, Chhattisgarh for the offence punishable under Section 304-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.11.2016 and he has been falsely implicated in this case. Marriage of the applicant with the deceased was performed on 22.6.2016 and the deceased committed suicide by setting herself ablaze on 22.10.2016. No statement was given by the parents of the deceased on that date. FIR was lodged on 22.11.2016 after passing of almost a month and it was for the first

time on 23.11.2016, the father of the deceased has stated that there has been a demand of dowry made by the applicant. There is no evidence on record of the prosecution case to substantiate the charge of demand of dowry soon before the death of the deceased and as such, the offence under Section 304B of the IPC is not made out. The applicant is in jail since 24.11.2016 and the trial is not yet concluded. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the deceased informed her parents on 19.10.2016 that her husband wants to purchase a motorcycle, for which Rs.4,000/- was withdrawn from the account of the deceased. On 20.10.2016, the deceased and the applicant went to visit the parents of the deceased, both of them returned on 21.10.2016 and the deceased committed suicide on 22.10.2016 which shows the chain of the events that needs to be explained by the applicant in trial as to for what reason the deceased committed suicide if there was no demand of dowry. Hence, for this reason, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the facts of the case after performance of marriage on 22.6.2016, the deceased informed her parents that the applicant wanted to have a motorcycle as dowry on which the parents have assured that they will provide the same after making some arrangements and then the incident of

suicide of the deceased took place on 22.10.2016. Subsequent to merger proceedings, the case was registered against the applicant. After completion of investigation, the charge-sheet has been filed.

6. Considering the submissions and the contents of the case diary, and taking into consideration the fact that no statement was made against the applicant prior to 22nd and 23rd November, 2016 and also considering the statement of the witnesses as to the events that took place soon before the death of the deceased and that the applicant is in jail since 24.11.2016, I am of the view that the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge