

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3684 of 2017**

- Krishna Lal Shende S/o Shri Uday Ram Shende Aged About 60 Years R/o Ayappa Nagar, Ward No. 8, Supela, Bhilai, Tahsil-Durg, Civil & Revenue District - Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Throug : The Station House Officer, Police Chauki - Smriti Nagar, Police Station - Supela, Bhilai, Civil & Revenue, District - Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Paras Mani Shrivastava, Advocate
 For Respondent/State : Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.7.2017**

Heard the matter finally.

2. This an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.1115/2016 registered in Out Post Smriti Nagar, Police Station Supela, Bhilai Distt. Durg (CG) for the offence punishable under Sections 304(B), 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that applicant has been arrested on 06.12.2016, after investigation, concerned police has filed charge sheet against four accused persons, out of which, Ajaydeep Shende, husband of the deceased, has not preferred any bail application for his release, two other co-accused Smt. Lalita and Anju Shende had initially preferred M.Cr.C. No.8578/2016 and also M.Cr.C. No. 1362/17, both the applications were dismissed as

withdrawn on 09.01.2017 & 27.02.2017. Thereafter both the co-accused have preferred M.Cr.C. No.2017/2017 which was allowed by the coordinate Bench of this Court on 28.4.2017. The charge sheet is pending before Fourth Additional Sessions Judge, Durg. Name of the deceased is Manju Lata whose marriage with co-accused Ajaydeep Shende was solemnized on 06.10.2015. On 22.11.2016, Manju Lata was brought to hospital in an unconscious condition and thereafter she died. In the postmortem report autopsy surgeon opined that cause of death is respiratory cardio arrest . The place of incident is the house of the applicant. Learned counsel for the applicant would submit that husband and wife were residing separately and not with the present applicant. The applicant has been falsely implicated in the crime in question. The autopsy surgeon has not noticed any mark of injury over the body of the deceased. The applicant is in custody since long. Other two accused persons are the wife and daughter of the present applicant and they were granted bail, case of the present applicant is similar, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of applicant and would submit that after about one year and one month of the marriage, the deceased was brought in the hospital in an unconscious condition. The death occurred other than normal circumstances in her matrimonial house. The FIR is named against the applicant, in the statement of Vimla Ben and Sunil Ben, mother and brother of the deceased, recorded under Section 161 of the Cr.P.C., they have stated regarding torture and demand of dowry against the deceased by the applicants prior

to the incident after a short period of the marriage. Considering these facts, the bail application may be dismissed.

5. Perused the entire material.

6. In the present matter provisions of Section 113 B of the Indian Evidence Act, 1872 regarding presumption as to dowry death is applicable. In the material collected by the prosecution, prima facie, appears that contents of the allegation of the torture, marpeet, demand of dowry and also as the death occurred other than normal circumstances, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed on behalf of applicant under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE