

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4441 of 2017

Santosh Patel S/o Shri Abhimanyu Patel, Aged About 40 Years By
Caste Aghariya, R/o Village Rajpur, Police Station Basna, Tahsil
Pithora, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Basna, Civil &
Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For applicant - Shri J.A. Lohani, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.274/2016 registered in Police Station Basna, Distt. Mahasamund (C.G.) for offence punishable under section 304-B/34 of IPC.
2. Case of the prosecution, in brief, is that one Nalini Prabha died because of burn injuries. It is alleged that she was subjected to cruelty for demand of dowry. Consequently, she died unnatural death. It is alleged that she was married to the applicant and the marriage took place in the year 2003 and the applicant thereafter alongwith other co-accused has subjected the deceased with cruelty, therefore she died.
3. Learned counsel for the applicant submits that date of marriage was in 2003, therefore provisions of 304-B IPC would not be attracted and there is no evidence of abetment in this case, applicant is in jail since 6/06/2017 and charge sheet has been filed, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Admittedly marriage of the applicant with the deceased took place in 2003 and the incident occurred in 2015. Perused the statement of the witnesses. As it is submitted that charge sheet has not been filed under section 302 IPC, in view of the same, considering the facts and also the applicant is in jail since 6/06/2017, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE