

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4396 of 2017

- Sanjay @ Bablu S/o Ramratan Patel Aged About 32 Years (Wrongly Mentioned As Ratratan In The Impugned Order) R/o Village Kanchanpur, Tahsil & Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Wasim Miyan, Advocate.
For Respondent/State	:	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2017

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. 88/2016, registered at Police Station- Baramkela, District – Raigarh (C.G.) for the offence punishable under Section 304-B and 201-B/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. Marriage of applicant with the deceased Pooja Patel took place on 28.4.2016 and deceased Pooja Patel died due to consumption of some poisonous substance on 19.6.2016. None

of the relatives of the deceased present in the morgue inquiry made in the allegation against the applicant at that occasion. On 4.11.2016, Ram Kumar Patel father of deceased lodged a written complaint in PS-Baramkela alleging that the unnatural death of deceased occurred as a result of the demand of dowry made by the applicant and the co-accused persons, on the basis of which offences were registered and charge-sheet has been filed after the completion of investigation. It is submitted that the co-accused persons in this case have been admitted to bail by the order of Co-ordinate Bench of this Court in MCRC No.3746/2017 dated 14.6.2017. Applicant has a similar case, hence, prayed that he may be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the statement of complainant under Section 161 of Cr.P.C. sufficiently explains the cause of delay showing, that the applicant and other accused persons suppressed this fact that deceased died due to consumption poison and this fact came into the knowledge of the complainant after the FSL report on the examination of viscera of the deceased was received in the police-station, hence, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the contents of the case diary and the submissions made and also this fact that the co-accused persons have been granted bail by Co-ordinate Bench of this Court and the present applicant is similarly placed.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

- 7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge