

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4476 of 2017

- Rajesh Kumar Yadav S/o Babulal Yadav Aged About 32 Years R/o Village Inderpur, Police Station Odagi, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Odagi, Civil And Revenue District Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra K.Patel, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

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. 22/2017, registered at Police Station- Odagi, District – Surajpur (C.G.) for the offence punishable under Section 306 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Marriage of applicant took place with the deceased Poonam Yadav about 12 to 13 years prior to the date of incident. The allegation that applicant was demanding dowry soon before the death of the deceased, is totally improbable and concocted. The incident has taken place on 31.3.2016 and the FIR has been lodged on 30.4.2017 almost after a year, which shows

the concoction of the case against the applicant, hence, prayed that applicant be enlarged on bail.

3. Learned counsel for the State/respondent opposes the bail application and submissions made in this respect. It is submitted that deceased was being subjected to torture and cruel treatment by the applicant. Abetted by these acts by the applicant, deceased has committed suicide, hence, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. By the marriage of applicant and the deceased they both have two daughters and one son. The marriage between the applicant and deceased is more than 7 years old. In these circumstances and looking to be nature of evidence of the prosecution proposed to be brought against the applicant, I am of the considered view that applicant should be benefited with the grant of 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge