

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 6042 of 2017

- Govardhan @ Mohit S/o Sushil Kumar Rajput, Aged About 27 Years R/o Village Rajpur, Police Station Sahaspur Lohara, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Respondent

For the Applicant : Shri Dharmesh Shrivastava,
Advocate.

For the Respondent/State : Shri Ashok Swarnkar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10.11.2017.

Heard.

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.43/2017, registered at Police Station- Sahaspur Lohara District – Kabirdham (C.G.) for the offences punishable under Section 304 (B), 506 of Indian Penal Code 3, 4 of Dowry Prohibition Act.
2. It is submitted by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. Applicant had very happily marriage with his wife. The death of deceased (Lakshmi Bai) purely accidental the incident has took place on 04.02.2017 when the deceased got burned accidentally. The first dying declaration was recorded on 05.02.2017 before the Executive Magistrate in which the deceased made statement that she got burned with the fire accidentally while cooking and her husband and in-laws came to help her and brought to the

hospital. Another dying declaration was recorded on 08.02.2017 in which she had made similar statement, hence, for these reasons the applicant prays for grant of bail.

3. Learned counsel for the State opposes the application and submission made in this respect. It is submitted that the parents and other witnesses related to the deceased have given statement against the applicant on the basis of which this prosecution was initiated, hence, he is not entitled to be enlarged on bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.
5. As per the case against the applicant incident took place 04.02.2017 when cloth of the deceased got fire and she got burned, she was immediately shifted to the hospital. Deceased expired on 15.02.2017. Father of the deceased filed a written complaint against the applicant on the basis of which FIR was registered and charge-sheet has been filed.
6. Considering the facts and circumstances of the case and further taking into consideration this fact that the statement of the deceased in the dying declaration recorded by the Executive Magistrate, the applicant deserves to be enlarged on regular bail.
7. Accordingly the application for grant of bail is allowed.
8. It is directed that the applicant shall be released on his furnishing a 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 appearance as and when directed.
9. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge