

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7740 of 2016

Anand Jaiswal, S/o. Shankar Jaiswal, Aged About 32 Years, R/o. Tahsilpara, Kusmi, Police Station & Tahsil Kushmi, District Balrampur-Ramanujganj (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kushmi, District Balrampur-Ramanujganj (Chhattisgarh).

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

For Objector : Mr. Sanjay Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

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.25/2016 registered at Police Station- Kushmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304-B, 498-A, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Mamta who was married to the present applicant on 21.05.2013 committed suicide by hanging on 16.07.2016. It is alleged that she was subjected to cruelty for demand of dowry after delivery of a girl child and money was demanded for deposit alongwith other demands. Consequently, she died an unnatural death within seven years of marriage.

3. Learned counsel for the applicant would submit that omnibus allegations were attributed against the present applicant which would be evident from the statement of Manita Prajapati who was the domestic help to the house and she has narrated the entire story which would not reveal that the deceased was abetted to commit suicide because of demand of dowry. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail.
5. Perused the case diary and statement of Manita Prajapati. Considering the nature of allegation leveled against the present applicant who is husband and further taking into fact that omnibus allegations were made by the other witnesses, I am inclined to release the applicant on 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.

Sd/-
(Goutam Bhaduri)
Judge