

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8332 of 2016

- Tejeswar Sahu S/o Gayaram Sahu Aged About 25 Years R/o Village Rengabod, Ward No.2, Thana- Bhatapara (Gramin) Tahsil-Simga, District Balouda Bazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Bhatapara (Gramin) District Balouda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 on 5-5-2016 in connection with Crime No. 187 of 2016, registered at Police Station Bhatapara (Gramin) District Balouda Bazar Bhatapara (CG) for the offence punishable under Section 304(B) of the IPC.
2. As per prosecution case, one Dhanbai tried to commit suicide by consuming poison on 6-6-2016 and eventually she died on 7-7-2016. It is alleged that she was married to the present applicant on 17-2-2016 and thereafter she was subjected to torture for demand of dowry and subsequently she died within seven years of her marriage and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that only general allegations were attributed against the present applicant

and when the statement was recorded initially no allegations were attributed. He would further submit that case of the present applicant is similar to that of other co-accused persons namely Gayaram Sahu and Ganga Bai, who were father-in-law and mother-in-law of the deceased, have been enlarged on bail by this Court vide order dated 4-10-2016 passed by this Court in M.Cr.C.No. 5952 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 5-5-2016 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju