

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8444 of 2016

Sunil Adwani, S/o. Manoharlal Adwani, Aged About 33 Years, R/o. Kashyap Colony, Police Station City Kotwali, Tehsil Bilaspur, Post Bilaspur, District Bilaspur, Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh, Through : Police Station- City Kotwali, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent

For the Applicant : Mr. Vikram Dixit, Advocate

For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 186/2013 registered at Police Station- City Kotwali, Bilaspur, District Bilaspur (C.G) for the offence punishable under Sections 304-B/34 and 302/34 of Indian Penal Code.
2. As per the prosecution case, the deceased Saumya Adwani was married to one Rakesh Adwani on 22.02.2012. Subsequently she was subjected to torture for demand of dowry by the applicant and others, therefore, Saumya committed suicide by hanging on 16.3.2016.
3. Learned counsel for the applicant would submit that the husband of the deceased Rakesh was tried for the offence and he has been convicted by the Court below. He further submits that the applicant is brother-in-law and he was living separately and only general omnibus allegations have been leveled and he has been falsely implicated. It is further submitted that the similarly placed co-accused Smt. Radhika

Adwani has been enlarged on bail by this Court on 30.11.2016 in MCRC No.7648 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, degree of allegation and the fact that the similarly placed co-accused has already been enlarged on bail, 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