

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8526 of 2016

- Bharat Lal Rathore S/o Ramcharan Rathore, Aged About 23 Years
R/o Village Dharashiv, Police Station & Tahsil Pamgarh, District
Janjgir - Champa Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Pamgarh, District
Janjgir Champa Chhattisgarh

---- **Respondent**

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-01-2017

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 17-8-2016 in connection with Crime No. 181 of 2016, registered at Police Station Pamgarh, District Janjgir-Champa (CG) for the offence punishable under Section 304(B)/34 of the IPC.
2. Case of the prosecution, in brief, is that 26-7-2016 Smt. Usha Bai Rathore sustained burn injuries and subsequently she died on 29-7-2016. She was married to the present applicant in the year 2015 and it is alleged that she died unnatural death for the reason that she was subjected to torture for demand of dowry, motor-cycle and cash were also demanded and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that initially statement of the deceased was recorded by Police Constable wherein she stated that because of accident she sustained burn injuries. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. Case diary shows the statement of deceased Usha Bai Rathore wherein it was recorded that of accident. However, the same is not enclosed along with case diary. So the prosecution appears to have concealed the facts.
6. Taking into consideration such fact and further considering the fact charge-sheet in this case has been filed and the applicant is in jail since 17-8--2016, 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