

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3405 of 2017

Vinay Diwan, S/o. Vinod Dhar Diwan, Aged About 26 Years, R/o. Village-Ghusera, Police Station - Majguhan, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station - Majguhan , District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.R.Tiwari, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.07.2017

1. This is the third 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.118/2016 registered at Police Station- Majguhan, District Raipur (C.G.) for the offence punishable under Section 304-B of Indian Penal Code.
2. The first bail application was dismissed as withdrawn on 25.11.2016 in MCRC No.7393 of 2016 with liberty to move afresh before the trial Court after filing of the charge sheet and the second bail application was directly filed before this Court and was dismissed as withdrawn on 27.02.2017 in MCRC No.797 of 2017 with liberty to repeat the same after some time.
3. As per the prosecution case, the deceased Deepika was married to the present applicant in the year 2011. Subsequently, she was subjected to torture for demand of dowry and thereafter she died out of the burn injury on 23.02.2016 within seven years of marriage, therefore, the offence has been committed.

4. Learned counsel for the applicant would submit that there has been some dispute in between the deceased and the applicant for which initially a report was made and subsequently compromise was affected. Thereafter, the accident of burn happened and she died out of such burn injury. It is stated that initially after the dispute occurred in 2011 both husband and wife started living together in 2012. He further submits that the charge sheet in this case has already been filed, the applicant is in jail since 06.10.2016 and no further investigation is necessary, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the case diary, also the contents of the complaint of 2011 and compromise affected in 2012. Further perused the contents of dying declaration wherein no allegations have been attributed. Taking into the totality of the fact and considering the fact that the applicant is in jail since 06.10.2016 and no further investigation is necessary, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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

