

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2407 of 2017

- Shiv Agrawal S/o Mr. Mohan Agrawal, Aged About 23 Years, Caste Baniya, R/o Bastar Road, In The Gulley Beside Telephone Tower, Tehsil-Dhamtari, Thana City Kotwali, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District- Dhamtari, Chhattisgarh.

---- Non-applicant

And

MCRC No. 2578 Of 2017

- Mohan Agrawal S/o Mr. Prahlad Rai Ji Agrawal, Aged About 52 Years, Caste Baniya, R/o Bastar Road, In The Gulley Beside Telephone Tower, Tehsil Dhamtari, Thana City Kotwali, District Dhamtari, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through District Magistrate, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicants – Mr. Neeraj Mehta and Mr. Jagat Sher Singh, Advocates.

For Non-applicant/State – Mr. Ashish Shukla, Govt. Advocate.

Ms. Sharmila Singhai and Mr. Amarnath Pandey
Advocates for Objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

09-11-2017

1. As both the matters arise out of the same crime number, i.e., Crime Number No.21/2017 registered at Police Station City Kotwali, District Dhamtari, C.G. for the offence under Section 304-B, 34 of the IPC, they are being decided by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.

3. It is submitted on behalf of the applicant Mohan Agrawal that the applicant has been falsely implicated in this case. They are in jail since 24-01-2017. No statement was made by any of the witnesses against the applicant in this case regarding any demand of dowry from the deceased Ruchika Agrawal,

the daughter-in-law of this applicant, she had grievance from her husband on account of his some extra marital affair, because of which she has committed suicide. The independent witnesses in this case have clearly stated that the applicant has never demanded dowry from his daughter in-law, neither he subjected her to cruelty in any manner. The material in the prosecution case clearly demonstrates the reason due to which the deceased has committed suicide, for which the applicant cannot be held responsible. It is prayed that this applicant may be granted bail.

4. On behalf of applicant Shiv Agrawal, it is submitted that he has been falsely implicated in this case. On the basis of the material on record of the prosecution case, no case is made out against him. Hence, the application filed by applicant Shiv Agrawal may be allowed and he may be enlarged on bail.

5. Learned counsel for the State/non-applicant opposes the applications and submissions made in this respect. It is submitted that deceased Ruchika Agrawal committed suicide within 13 months from the date of her marriage on 20-01-2017 by hanging herself and in the investigation it is clearly demonstrated that the applicants had been engaged in demanding dowry and subjecting the deceased to cruelty all the time, which has resulted in unnatural death of the deceased. Hence, the applicants are not entitled for grant of bail.

6. Learned counsel for the objector adopts the argument placed by the counsel for State and submits that the applicants are active in making use of their influence and hence for these reasons they are not entitled for grant of bail.

7. Heard learned counsel for the parties and perused the case diary.

8. As per the facts of the case, the marriage of deceased Ruchika Agrawal was performed with applicant Shiv Agrawal on 13-12-2015. There is a statement that applicant Shiv Agrawal had illicit relationship with various other

girls. Apart from that, the applicants and other co-accused were not satisfied with the expenditure made by the father of the deceased in the marriage and they were continuously demanding dowry. Soon after the marriage Rs.10 lacs were demanded from father of the deceased and a few days before the death of the deceased, father of the deceased was asked to buy a motorcycle of Rs. 1,80,000/- by applicant Mohan Agrawal for his son Shiv Agrawal. Also on 19-01-2017 the deceased communicated through phone that her husband was not satisfied with the purchase of motorcycle and it was on the next day that the incident of suicide has taken place. The case has been investigated and charge sheet has been filed.

9. Considering the submissions made, contents of the case diary, and the statement of the witnesses in merg enquiry as well as in the investigation under Section 161 of the Cr.P.C., I am of this view that the applicants in both the cases are not entitled for grant of regular bail.

10. Consequently, both the applications (MCRC No.2407/2017 and MCRC No.2578/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge