NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 607 of 2018

1. Udelal Gwal S/o Shri Ramo Gwal Aged About 60 Years , District : Mahasamund, Chhattisgarh
2. Dilip Gwal S/o Shri Udelal Gwal Aged About 25 Years R/o Village Jhagrendih, Police Station Sankra, Tahsil Pithoura, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sankra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

26.03.2018

Heard.

1. At the outset, learned counsel for the applicants seeks permission to withdraw the second bail application of applicant No.1 – Udelal Gwal.

2. Accordingly, the second bail application of applicant No.1 – Udelal Gwal is dismissed as withdrawn.

3. This is the second bail application of applicant No.2 – Dilip Gwal. The first bail application of the applicants was dismissed as withdrawn on 3.1.2018 in M.Cr.C. No. 7302 of 2017. Applicant No.2 has been arrested in connection with Crime No.149 of 2017, registered at Police Station – Sankra,

District – Mahasamund, Chhattisgarh for the offence punishable under Section 304-B of the Indian Penal Code.

4. Learned counsel for the applicants submits that applicant No.2 is in jail since 10.10.2017 and has been falsely implicated in this case. There is no such allegation against this applicant in this case that he had been a party in making demand of dowry, hence, no case is made out against applicant No.2. Hence, it is prayed that applicant No.2 be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the allegation is clearly made against all the accused persons including this applicant No.2 that he had been a party for demand of dowry. Hence, no case is made out for grant of regular bail to applicant No.2.

6. Heard counsel for both the parties and perused the case diary.

7. The marriage of deceased – Laxmi was performed with co-accused Pramod Gwal on 29.4.2016. The deceased died on 22.9.2017 under suspicious condition. In the postmortem report, the death of the deceased has been opined by the examining Doctor as asphyxia due to throttling and cardiorespiratory arrest. The statement has been given by mother of the deceased and other witnesses that soon before the death, the husband and father-in-law of the deceased were active in making demand of dowry of Rs.1,00,000/-, out of which Rs.85,000/- was paid by father of the deceased but the husband and father-in-law of the deceased continued to harass the deceased for the remaining amount. The allegation against this applicant is

that he had indecently approached the deceased on some occasions.

8. Considering the nature of allegation against applicant No.2 and the main allegation regarding demand of dowry is not directly against this applicant No.2 – Dilip Gwal, I am of the considered opinion that applicant No.2 deserves to be released on bail.

9. Accordingly, the bail application on behalf of applicant No.2 – Dilip Gwal filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that applicant No.2 – Dilip Gwal 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi