

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 329 of 2018

Onkar Sahu S/o Pitambar Sahu, Aged About 24 Years R/o Village Bhanpuri,
Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Arjuni, District Dhamtari Chhattisgarh, Chhattisgarh **---- Respondent**

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 225 of 2017, registered at Police Station Arjuni, District Dhamtari, Chhattisgarh for the offence punishable under Section 304-B read with Section 34 of the Indian Penal Code
2. Learned counsel for the applicant submits that the applicant is in jail since 13.8.2017 and has been falsely implicated in this case. The applicant is husband of deceased – Jiteshwari Sahu. The allegations made against the applicant are totally false and baseless. The deceased has died because of natural causes and the case is not a dowry death. It is further submitted that the co-accused persons, namely, Pitamber Sahu and Smt. Devantin Sahu have been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 6558 of 2017 dated 6.12.2017. Hence, for these reasons, the applicant is entitled for grant of bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that as per the allegations of the prosecution case against the applicant and others the

deceased was in advanced stage of pregnancy and the due date of delivery was also passed but she was not admitted in the hospital which resulted in her death and there is also allegation that there had been demand of dowry. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.
5. The marriage of deceased – Jiteshwari Sahu was performed with the applicant on 20.9.2017. There had been complaints made by the deceased to her parents, that the applicant and others subjected her to torture and cruel treatment for demand of dowry. As the case is that the deceased became pregnant, the applicant and others by sonography test came to know that the deceased was carrying a girl child, because of which they ignored to get her proper treatment and consequently, she died on 22.5.2017 due to lack of treatment. Hence, this case.
6. Taking into consideration the cause of death that is shown in the postmortem and the fact that the co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on 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/-
(Manindra Mohan Shrivastava)
Judge