NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 45 of 2018

Vijay Bhahadur Barai S/o Chandrashekhar Barai, Aged About 30 Years R/o Village Jodra, P.S. Pachpeddi District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Panchpeddhi, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri C.K. Kesharwani, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

08.03.2018

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.73 of 2017, registered at Police Station – Pachpedi, District - Bilaspur, Chhattisgarh for the offence punishable under Sections 304B and 498A/ 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.07.2017 and he has been falsely implicated in this case. No case is made out about the demand of dowry soon before the death of the deceased by this applicant. It is further submitted that the co-accused persons have been granted bail by this Court as well as by the trial Court itself. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

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

5. The marriage of the applicant and the deceased took place about six years prior to the date of incident. On 29.6.2017, deceased - Mamta Barai, wife of the applicant, committed suicide by hanging herself. After inquest procedure, FIR was lodged on 25.7.2017. The allegation against the applicant according to the statement of the witnesses is that the applicant used to torture his wife by demanding money from her to buy liquor and on refusing to pay the money, he used to quarrel with her and beat her.

6. Considering the nature of the allegation against the applicant and the evidence that is proposed against the applicant for his prosecution, 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi