

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 481 of 2018

- Parmanand Kashyap S/o Santosh Kashyap, Aged About 25 Years, R/o Village Konargarh, P.S. Mulmula, Tahsil Pamgarh, District- Janjgir-Champa, Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mulmula, District Janjgir-Champa, Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Mr. Ravindra Sharma, Advocate.

For Non-applicant/State –Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 18-08-2017 in connection with Crime No.94/2017 registered at P.S. Mulmula, District Janjgir-Champa, Chhattisgarh for the offence under Section 304(B)/34 of the IPC, in option 302/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 18-08-2017. No case is made out against him on the basis of the charge sheet filed against him. Co-accused persons have been granted bail by coordinate Bench of this Court. Hence, it is prayed that the applicant may also be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the case of prosecution is well supported by the statement of the witnesses. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, marriage of this applicant and his

wife Sunita Kashyap (deceased) took place on 05-07-2016 and the deceased committed suicide by hanging herself on 04-08-2017. After inquest procedure father of the deceased lodged the FIR on 17-08-2017 alleging that the applicant and others were torturing the deceased for demand of dowry. Hence, this case.

6. Considered on the material present in the case diary. According to the statement of the witnesses, the deceased was being tortured by her in-laws for the reason that she had not brought sufficient dowry and omnibus allegation has been made, that the applicant and others were making demand of dowry. Taking into consideration the evidence on which the prosecution is relying upon and that coordinate Bench of this Court has granted bail to other co-accused persons, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge