

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 529 of 2018**

Pokhan Nishad Jagdish Nishad Aged About 22 Years Resident Of Kosrangi,
Police Station Khallari, District Mahasamund, Chhattisgarh., District :
Mahasamund, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2018**

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.165 of 2017, registered at Police Station – Khallari, District – Mahasamund, Chhattisgarh for the offence punishable under Section 304-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.10.2017 and has been falsely implicated in this case. The applicant and the deceased, his wife Ganga had performed love marriage about 1 ½ years prior to the incident and as such, story of demand of dowry is totally improbable. It is also submitted that the mother and two brothers of the

deceased have given contradictory statements before the Investigation Officer. Hence, no case is made out against the applicant for the offence charged against him. Hence, it is prayed that the applicant be enlarged on 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 the mother of the deceased has clearly stated that the deceased was being tortured by the applicant for demand of dowry soon before her death. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, on 26.8.2017 deceased – Ganga got burn injuries as she set herself on fire after pouring kerosene on her body. She was admitted in the hospital but she died on the same day during treatment. After completion of inquest procedure, the FIR was lodged. Hence, this case.

6. Perused the statement of the witnesses present in the case-diary, specifically the statement of mother and two brothers of the deceased. Considering the nature of 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 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