

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 673 of 2018**

Sharad Sahu S/o Shri Dheeraj Kumar Sahu Aged About 25 Years R/o Sakti Nagar, Ward No. 18, Chaprasi Plot Durg, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Durg And Also Through Police Station Mohan Nagar Durg District Durg Chhattisgarh

---- Respondent

For Applicant	: Mr. P.P. Patel, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/03/2018**

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.421/2017, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.), for the offence punishable under Section 304 (B) of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Charge-sheet in this case has been filed after completion of investigation. According to the prosecution case, there is no statement about any specific demand of

dowry made by any of the witness. Hence, the offence under Section 304 B of the Indian Penal Code is not made out. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in the inquest procedure, the witness have clearly stated that the applicant used to torture the deceased for demand of money and there are eye-witness of that incident of torture that took place immediately before the death of the deceased. Hence, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the marriage of the applicant and deceased Madhu Sahu was performed on 15.04.2016. Subsequent to that in January, 2017, applicant demanded Rs.1,00,000/- from the father of the deceased on the pretext that he has to arrange for the job for his wife, the deceased. It is alleged that for demand of money, treated the deceased with cruelty. On 02.10.2017, the father of the deceased was informed on telephone about the quarrel between the applicant and his wife and on that day, the father and mother of the deceased and other witnesses arrived on the place of the residence of this applicant and in their presence, the applicant misbehaved and tortured his wife, the deceased. The deceased made statement in presence of the witnesses that the applicant tortured her for demand of dowry. The deceased died due to burn injuries on 03.10.2017 within 7 years of marriage in suspicious conditions. After inquest procedure, the

FIR has been lodged against this applicant.

6. Considered on the submissions made and the contents of the case diary. As there is statement of witnesses, who were present immediately before the date of incident regarding the misbehavior and cruelty committed by this applicant and the statement of the deceased that the applicant was demanding money, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram