

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 759 of 2018

- Smt. Saraswati Bai W/o Late Sohan Lal, Aged About 47 Years, R/o Kherdha, P.S. Jamul, Tehsil Dhamdha, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
- Rajendra Kumar Diwakar S/o Pancham Diwakar, Aged About 50 Years, Lecturar Higher Secondary School, Surdung, R/o Village Lahanga, P.S. Dhamdha, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O., Jamul, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

MCRC No. 1156 of 2018

- Rajkumar Mandle S/o Late Sohanlal Mandle, Aged About 27 Years, R/o. Village-Kherdha Jamul, Police Station- Jamul, Tahsil- Dhamdha, District- Durg (C.G.), District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Jamul, District- Durg (C.G.), District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.612/2017, registered at P.S. Jamul, District Durg, Chhattisgarh, for the offence under Section 304B/34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 19-12-2017 in connection with aforesaid crime number and offence.
3. It is submitted on behalf of the applicants that the applicants are in jail

since 19-12-2017. The applicants have been falsely implicated in this case. Two months prior to the date of incident, the deceased had filed a complaint before the police alleging that her husband is harassing her for the reason that he had developed some dislike for her and no such complaint regarding any demand of dowry was made. After death of deceased, a false story has been cooked up by the parents of the deceased to falsely implicate this applicant. Hence, it is prayed that the applicants may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that there is sufficient evidence for prosecution of these applicants, hence, they are not entitled for grant of bail.

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

6. Marriage of deceased Pushplata was performed with co-accused Ashok on 28-04-2017. Subsequent to that she started living in her matrimonial home. On 04-12-2017 the deceased suffered burn injuries and she was admitted to the hospital where she died during the course of treatment on 09-12-2017. There is no recording of any dying declaration of the deceased. Subsequent to the death of the deceased, on 14-12-2017 a written complaint was filed by the father of the deceased and on that basis the FIR was lodged against these applicants and others.

7. Considered on the submissions made and contents of the case diary.

8. Considered on the entire material present in the case diary. The statement of demand of dowry was given for the first time subsequent to the death of the deceased and earlier complaint made by the deceased, which is also part of the charge sheet, does not reflect any such demand made by the applicants, hence, for these reasons, I am of this view that the applicants should be released on bail during pendency of the trial against them.

10. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge