

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 749 OF 2018

Venudhar Bareth S/o late Laxminarayan Bareth, aged about 30 years, R/o village Bar, Police Station Sariya, Tehsil Baramkela, Distt. Raigarh (CG).

... **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sariya, Distt. Raigarh (CG).

... **Respondent**

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 27.06.2017 in connection with Crime No. 61 of 2017 registered at Police Station Sariya, Distt. Raigarh, for the offence punishable under Sections 304-B/34, 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act.
2. As per prosecution case, the applicant and other co-accused persons is said to have subjected the deceased ill treatment, torture and harassment on account of demand of dowry and when she could not resist torture, she finally committed suicide by setting herself ablaze on 01.05.2017.
3. Learned Counsel for the applicant submits that it is a case where the marriage took place four years back and that dying declaration also was recorded wherein she has not made any allegations against the members at the matrimonial home. Rather she has stated that she has voluntarily committing suicide on account of assault made by the present applicant about 3 days earlier. It was further contended that other co-accused persons in the instant case i.e. sister in law and

father in law of the deceased have already been granted bail by this court in M.Cr.C. No.6314 of 2017 on 28.11.2017. Further, the nature of allegations made against the applicant is similar to that of allegations made against the co-accused persons who have already been released on bail and therefore prayed that the present applicant may also be granted bail on the ground of parity.

4. However, the state counsel opposes the bail application and submits that there are serious allegations against the applicant by the father and mother of the deceased. Further, in the past also due harassment made on account of demand of dowry, the deceased had left the matrimonial home and had been staying with her parents for about one year, and therefore, the applicant may not be released on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that other co-accused persons have already been granted bail and also considering the period of custody undergone by the applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**