

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 806 of 2018**

Chatru Sahu, S/o. Punauram Sahu, Aged About 62 Years, R/o. Village Kanhera, Police Station -Abhanpur, Distt.- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Abhanpur, Distt. -Raipur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

For State/respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/04/2018**

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.245/2017, registered at Police Station – Abhanpur, District – Raipur (C.G.), for the offence punishable under Section 498-A, 304-B and alternatively 302, 306 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. Applicant is in jail since 27.08.2017. No case is made out against this applicant on the basis of the material present in the charge-sheet and vague allegation has been made against the applicant that the applicant is one of the person who involved in demand of dowry from the deceased. Hence, 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 unnatural death of deceased has occurred within 7 years of her marriage and there is statement of witnesses that there had been demand of dowry soon before the death of the deceased, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the marriage of the deceased with main accused Krishna Sahu was solemnized on 18.04.2014. On 24.07.2017, the deceased Kuleshwari committed suicide by hanging herself. Written complaint was given by the father of the deceased alleging that the deceased was subjected to torture for demand of dowry before her death. Hence, FIR was lodged on 28.07.2017.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and looking to the nature of allegations made against this applicant, which appears to be general in nature covering this applicant and for this reason that trial against this applicant is still pending before the Court and the co-accused persons have been granted bail by the concerned trial Court, hence for this reason, this Court is of the opinion that present is 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram