**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 1044 of 2018**

Pekhan, S/o. Shyamlal Prajapati, Aged About 26 Years, R/o. Sambalpur, Police Station -Nandghat, District- Bemetara, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station -Nandghat, District -Bemetara, Chhattisgarh.

**---- Respondent**

---

For Applicant : Mr. D.K. Vishwakarma, Advocate

For State/respondent : Mr. Ashok Swarnakar, P.L.

---

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

**Order On Board**

**10/04/2018**

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.224/2017, registered at Police Station – Nandghat, District – Bemetara (C.G.), for the offence punishable under Section 304-B/34 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 03.09.2017. Charge-sheet in this case has been filed after completion of investigation and according to the material present in the charge-sheet, no case is made out against the applicant as he was not

present on the spot when the deceased committed suicide. The Co-accused persons have been granted bail by this Court. 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 there are statement of witnesses to show that applicant was engaged in treating the deceased with cruelty for demand of dowry, 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. According to the prosecution case, the marriage of this applicant with the deceased – Chandrakala was performed on 09.07.2011. Subsequent to that they had three children out of the wedlock. The deceased self immolated her on 24.08.2017 and she died on the spot. No suicide note was found neither any dying declaration could be recorded. According to the investigation made at the time of incident only co-accused Nirasha Bai was present in the house, where the deceased committed suicide. In the inquest procedure, father and other relatives of the deceased gave statement that soon after the marriage, the applicant and others tortured the deceased for demand of dowry.

6. Considered on the submissions made and the contents of the case diary. Perusal of the case diary statement of the witnesses, it appears that the prosecution and the trial Court shall have to examine the fact of demand of dowry soon before the death. For the present, looking to all the facts and circumstances present in the case, 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