

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1213 of 2018

- Anand Ram Sonkar son of late Shri Girdhari Ram Sonkar, aged about 40 years, R/o. Village Khudmuda Mandir Para, Ward No. 7, Block Patan, District Durg (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate Durg, Through: The Police Station Amleshwar, District- Durg (Chhattisgarh).

---- Respondent

For Applicant : Mr. Rajesh Kumar Sharma, Advocate.

For Respondent/State : Mr. Anant K. Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/04/2018

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.09/2018 registered at Police Station– Amleshwar, District– Durg (C.G.) for the offence punishable under Sections 306, 304-B/34 of Indian Penal Code of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 23.01.2018. After completion of investigation, charge-sheet has been filed. According to the case of prosecution, no case is made out against him. The only allegation against him is that the statement given by the witnesses that more than 2 years prior to the incident, this applicant has been sexually harassed the deceased. Which can not be

connected with the offence that is alleged to have been committed on 17.01.2018, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the marriage of deceased -Janki Bai Sonkar with the co-accused- Tularam Sonkar was solemnized 5 years prior to the date of incident. It is alleged that more than 2 years before the incident, this applicant approached the deceased and sexually harassed her because of which she has made a complaint before her husband and in-laws. But her husband and in-laws leveled allegation against her character and treated her with cruelty. It is also submitted that the deceased was tortured by her husband and in-laws for demand of dowry and subsequent to that, she committed suicide on 17.01.2018 by immolating herself. Hence, this case.
6. Considering the material present in the case diary, the prosecution has made the connection of the earlier incidents with this incident, hence, I am of this view that the applicant should be granted regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

