

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1243 of 2018**

Dilip Paatkar, S/o. Chhotu Paatkar, Aged About 57 Years, R/o.- Bhusapara, Ward No. 13, Behind Vedner School Mahasamund, Police Station Mahasamund, District-Mahasamund (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station Mahasamund, District- Mahasamund (C.G.)

---- Respondent

AND**M.CR.C. No. 1254 of 2018**

Durga Bai Paatkar, W/o. Dilip Paatkar, Aged About 52 Years, R/o.- Bhusapara, Ward No. 13, Behind Vedner School Mahasamund, Police Station Mahasamund, District- Mahasamund (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicants : Mr. P.P. Sahu, Advocate

For State/respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/04/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.317/2017,

registered at Police Station – Mahasamund, District – Mahasamund (C.G.), for the offence punishable under Section 304-B, 34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge-sheet. The co-accused Sonu Kumar Paatkar is son of both the applicants, who was married to the deceased- Sukhdevi in the year 2013. On 08.01.2016, deceased committed suicide by consuming some poisonous substance. Inquest proceeding was conducted, at that time nobody raised any doubt regarding suspicious death of the deceased. It was after passing of about one and half year, the father of the prosecutrix has lodged FIR on 20.06.2017, alleging falsely that applicants and co-accused persons were engaged in demanding dowry from the deceased and torturing her soon before her death and there is no explanation for the delay, the case is likely to take some time for its conclusion, hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that statement of the witnesses under Section 161 and 164 of Cr.P.C. is clearly against the applicants, hence, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. Some details of the incident have been covered on the submission made by both the parties. The allegations against this applicant and other co-accused is that soon before the death of the deceased on 08.01.2016, they were made demand of dowry and tortured the deceased for the same. Hence, the offence of dowry death has been registered against them.
7. Considered on the submissions made and the contents of the case diary. After considering the entire material present in the case diary and also looking to the fact that no explanation has been given by the lodger of the FIR about the delay of one and half year in lodging of FIR and prior to that no material was found in the inquest proceeding for lodging of FIR, hence, looking to the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge