

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1661 of 2018

- Dileshwar Sahu S/o Shri Kunwar Sahu, Aged About 39 Years, R/o- Village- Mohatara, Police Station- Navagarh, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri C.K. Sahu, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-03-2017 in connection with Crime No.38/2017 registered at P.S. - Navagarh, District- Bemetara, Chhattisgarh for the offence under Section 498A, 304B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 25-03-2017. No case is made out against this applicant. Deceased Manorama Sahu was wife of this applicant who caught fire accidentally. Her only dying declaration was recorded by the doctor, in which, she stated that her clothes caught fire accidentally, because of which, she has suffered burn injuries. Subsequent to that, no other dying declaration was recorded. The deceased died on 29-06-2016, whereas, the FIR was lodged after a long delay on 16-02-2017 and it was after that the witnesses have given statement against this applicant. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. The deceased, wife of this applicant, suffered burn injuries on 19-06-2016 and died on 29-06-2016. In between, her dying declaration was recorded by the treating doctor, in which, she has made statement that she accidentally caught fire. After passing of more than 6 months, the FIR was lodged and the witnesses have stated that the applicant used to demand of dowry and torture, because of which she has died in suspicious condition within 3 months of her marriage.

6. Considered on the material present in the case diary. Looking to this fact that a time span has elapsed before the case was registered and developed, I am of this view that this is a fit case where the applicant should be released on bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge