

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2041 of 2018

- Goutam Kumar Verma S/o Shri Shiv Prasad Verma aged about 30 years R/o LIG 80/1820, Vishva Bank Colony, House of Karan Patel, Kurud, P.S. Jamul, Tahsil and Distt.- Durg (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh, Through:- District Magistrate Durg Distt.- Durg (Chhattisgarh).

---- Non-applicant

For Applicant	:	Mr. Vipin Tiwari, Advocate.
For Respondent/State	:	Mr. Anupam Dubey Govt. advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/05/2018

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.415/2017, registered at Police Station– Jamul, District– Durg (C.G.) for the offence punishable under Sections 304B, 498A of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. After completion of investigation, charge-sheet has been filed. Applicant is in jail since 16.08.2017. According to the material present in the charge-sheet, no case is made out against this applicant. Firstly, the investigating agency has failed to establish that the applicant and deceased were

married to each other. Hence, offence under Section 498-A, 304-B was not made out in any manner. Trial is likely to take some time for its final conclusion, and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, father of deceased- Kerti Ramteke has lodged FIR, that the applicant got married with his daughter in a Temple and were leading matrimonial life, later on, this applicant started to treat the deceased with cruelty for the reason that sufficient dowry was not given in the marriage and consequent to that the deceased committed suicide on 12.08.2017, on that basis, the offences have been registered against this applicant. Hence, this case.
6. Considered on the entire material present in the case diary, the suicide note which is relied upon as evidence in the prosecution case discloses, that the applicant and the deceased were in live-in-relationship and no marriage was performed between them; and there is no complaint of any demand of dowry mentioned in the suicide note. Hence, looking to the variation of the statements in the investigation made in this case, I am of this view that this is a fit case where applicant should be enlarged on 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 local surety in the like sum to the satisfaction of the concerned trial Court,

for her appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Amita