

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2234 of 2018

- Kamlesh Devangan S/o Narayan Devangan Aged About 29 Years, R/o- Village- Charbhatha, Dhamtari, At Present R/o- Indira Nagar, Tahsil/Thana- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana- Kurud, Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2018

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 05-09-2017 in connection with Crime No.341/2017 registered at Police Station Kurud, District- Dhamtari, Chhattisgarh for the offence under Section 304 B/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 05-09-2017. No case is made out against him according to the material present in the charge sheet. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant and the co-accused persons used to harass the deceased for the reason that she had not brought sufficient dowry. Hence, the applicant is not entitled for grant of bail.

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

5. Marriage of the applicant and deceased Devika Devangan took place on 17-02-2014. While residing in her matrimonial home, on 16-03-2017 after pouring kerosene oil on her body she immolated herself and she died due to burn injuries on the same day, before any dying declaration could be recorded. Inquest procedure was conducted immediately thereafter, but the FIR has been lodged after passing of 6 months on 05-09-2017 and subsequent to this date, the witnesses have given statement that the applicant and co-accused persons have been demanding dowry from the deceased.

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

7. Looking to the belated lodging of the FIR and belated recording of evidence of the witnesses and also the fact that similarly placed co-accused persons have been granted bail, I am of this view that this applicant should be granted regular bail.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge