

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2479 of 2018

- Vishal Agrawal S/o Ashok Agrawal Aged About 31 Years Permanent R/o- Ward No. 16, Mangal Bhawan Complex, Near Ashutosh Textile, Main Road, Raurkela, Police Station- Uditnagar, District- Sundergarh, Odisha, Presently Residing At House No. 98, Krishna Nagar Colony, Tilda, Police Station- Nevra, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Nevra, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.236/2017, registered at Police Station– Nevra, District– Raipur(C.G.) for the offence punishable under Sections 498-A & 304B r/w 34 of Indian Penal Code (for short 'IPC') and Section 4 of the Dowry Prohibition Act.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.6.2017. No case is made out against him. Two co-accused persons have been granted regular bail and three other co-accused persons have been granted anticipatory bail by this Court, hence, it is prayed that he may released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is the main accused. Deceased died a suspicious death while she was residing with this applicant in Tilda, Nevra, after being subjected to torture and cruel treatment by this applicant. Hence, the case is not similar to the other accused persons who have been granted bail, hence, it is prayed that the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, after solemnization of marriage on 27.6.2012, this applicant and deceased Lalita were residing in Tilda, Nevra. It is alleged that the applicant along with other co-accused were demanding Rs.5 lakhs and a car in dowry from the deceased because of which she was subjected to torture and cruel treatment. On 9.6.2017, deceased Lalita was found dead in her house. The death was unnatural. According to the statement of witnesses, this applicant is the main accused person who used to torture and thrash the deceased on number of occasions and had made her life miserable.
6. After considering on all the material present in the case diary, it appears that the case of this applicant is not similar to the other accused persons, who have been granted bail and after considering the nature of allegation in the evidence present in this respect, I do not feel

inclined grant bail to this applicant.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha