

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8060 of 2017**

Shiv Kumar, S/o. Ganpat Rao, Khobragade, Aged About 38 Years, R/o. Santoshi Para Camp – 2, Bhilai, Police Station -Chhawani, Tahsil and District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Chhawani, Tahsil and District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. F.S. Khare, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/03/2018**

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.258/2017, registered at Police Station –Chhawani, District – Durg (C.G.) for the offence punishable under Section 498A, 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Co-accused in this case have been granted regular as well as anticipatory bail by the Coordinate Bench of this Court in M.Cr.C.(A) No.612/2017 by order dated 29.11.2017 and in M.Cr.C. No.6254/2017 vide order dated 29.11.2017. The fact is that applicant was unemployed at the time of the incident because of which, he and his wife, the deceased had quarrel during which the applicant left the house saying he is going to commit suicide and subsequent to that deceased set-herself ablaze

and consequent to burn injuries, she died on the same day. No case is made out against this applicant according to the material present in the charge-sheet filed against him. Hence, for this reason, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the witnesses have given clear statement against this applicant and others regarding demand of dowry and the cruel treatment to which the deceased was subjected to before her death, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the marriage of the applicant and the deceased Indu Khobragade had taken place on 11.05.2005. Deceased committed suicide on 29.05.2017 by pouring kerosene on her and setting herself ablaze and she died on the same day. On a complaint made by the brother of the deceased on 10.06.2017 FIR was lodged against this applicant and co-accused persons. According to the complaint, it was stated that the applicant and others were engaged in making demand of dowry and subjected the deceased to torture and cruel treatment, hence this case.
6. Considered the submissions made and the contents of the case diary. As the allegations against this applicant and co-accused persons is of general in nature and co-accused persons have been granted anticipatory as well as regular bail by the Coordinate Bench of this Court, hence, for this reason, this Court is of the opinion that present is

a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram