

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2966 of 2018**

Pradeep Kumar Sahu, S/o. Sukhchand Sahu, Aged About 33 Years, R/o.-
Village Puswada, Tahsil Kanker, District- North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station Kanker, District- Kanker,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/06/2018**

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.88/2018, registered at Police Station – Kanker, District – Kanker (C.G.), for the offence punishable under Section 304-(B) 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. Applicant is in jail since 05.03.2018. Charge-sheet has been filed after completion of investigation. No case is made out against the applicant on the basis of the material present in the case diary. It is a concocted case because, the morgue statement, which was recorded by the father of the deceased on 31.01.2018, wherein no allegation has been made against this applicant about any cruel treatment or any demand of dowry. In subsequent development on 16.02.2018 a morgue statement

has been recorded of the witnesses in which all of sudden, the witnesses have made statement of torture and demand of dowry against the applicant on that basis FIR has been registered on 25.02.2018 and statement under Section 161 of Cr.P.C. has been recorded, which shows concoction of the case. Hence, 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 there is ample evidence against the applicant for his prosecution in this case. Therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the marriage of the applicant with the deceased Nandini was performed on 12.05.2013. Deceased committed suicide within 7 years of marriage on 30.01.2018. On the basis of mourge enquiry, FIR has been lodged against the applicant.
6. Considered on the submissions made and the contents of the case diary. It appears that mourge intimation that was recorded on 31.01.2018 of the father of the deceased itself does not show any disclosure about any cruel treatment or demand of dowry with respect to this applicant. The statement of the witnesses about torture and demand of dowry has appeared for the first time in the statement recorded on 16.02.2018. Hence, looking to the facts and circumstances and the development that has taken place in this case, 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