

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3174 of 2018**

Udelal Gwal S/o Ramu Aged About 60 Years Caste Gada, R/o Village Jhagarendih, P. S. Sankra, Tahsil Pithora, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, P. S. Sankra, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri R.S. Patel, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.07.2018**

Heard.

1. This is the third bail application of the applicant. The first and second bail applications have been dismissed as withdrawn, hence, there is no decision on merits against the applicant. The applicant has been arrested in connection with Crime No. 149 of 2017, registered at Police Station Sankra, District Mahasamund, Chhattisgarh for the offence punishable under Sections 302 and 304(B)/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.10.2017 and has been falsely implicated in this case. There is no such statement against the applicant in the prosecution case to hold him responsible for the death of the deceased and the witnesses have made vague statements. After completion of investigation, the charge-sheet has

been filed. Similarly placed co-accused – Dilip Gwal has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 607 of 2018, vide order dated 26.03.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect. It is submitted that it is a case of murder and there is evidence against the applicant about his involvement. Hence, the applicant is not entitled for bail.

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

5. Deceased – Laxmi Gwal died on 22.9.2017 under suspicious condition. The applicant is father-in-law of the deceased. The dead body of the deceased was buried hurriedly and on receiving the complaint, the dead body has exhumed. In the postmortem report, the death of the deceased has been opined by the examining doctor as asphyxia due to cardiorespiratory arrest. The statement has been given by the parents of the deceased on 8.10.2017, that the husband and father-in-law of the deceased were active in making demand of dowry of Rs.1,00,000/-.

6. Although there is allegation that he was one of the person making the demand of dowry, but only for the reason that the applicant is aged about 60 years old, I am of the considered opinion that the applicant deserves to be released on 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge