

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3206 of 2018**

Ashok Kumar Mandle S/o Late Sohanlal Mandle Aged About 24 Years R/o-
Satnami Para Khertha, P.S. Jamul, Tehsil And District- Durg, Chhattisgarh.,
District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate, Durg, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

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

Heard.

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.1433 of 2018, registered at Police Station – Jamul, District – Durg, Chhattisgarh for the offence punishable under Section 304B/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 19.12.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. Similarly placed co-accused persons, namely, Smt. Saraswati Bai and Rajendra Kumar Diwakar have been granted bail by this Court in M.Cr.C. No. 759 of 2018, vide order dated 28.03.2018. 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 there is clear evidence regarding demand of dowry soon before unnatural death of deceased – Pushplata the wife of the applicant. Hence, no case is made out for grant of regular bail to the applicant.

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

5. Marriage of deceased – Pushplata was performed with the applicant in April, 2017 and she started living in her matrimonial home. It is alleged that she was tortured for demand of dowry while she was living with the applicant. On 4.12.2017, the deceased suffered burn injuries and she was admitted to the hospital where she died during the course of treatment on 9.12.2017. On 14.12.2017, a written complaint was filed by the father of the deceased alleging that the demand of dowry was made by the husband and in-laws of the deceased. Hence, this case.

6. Considered the material present in the case-diary. The deceased has earlier filed a complaint on 2.10.2017, during her lifetime alleging misbehaviour of the applicant and no such statement had been made regarding demand of dowry. Further, no dying declaration has been recorded even though the deceased survived about 5 days. The co-accused persons have been granted bail by this Court. Hence, 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