

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7935 of 2017

- Hitendra Meshram S/o Jeevanlal Meshram, Aged About 29 Years, R/o Jeevan Colony, Rajnandgaon, District Rajnandgaon Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, North Baster Kanker District Kanker Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri G.S. Ahluwalia, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-07-2017 in connection with Crime No.230/2017 registered at P.S. Kanker, District North Baster Kanker, Chhattisgarh for the offence under Section 304B, 34 of the IPC & Section 3, 4 of Dowry Prohibition Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 13-07-2017. No case is made out against this applicant, on the basis of material present in the charge sheet filed against him. The co-accused persons have been granted bail, the applicant also stands on the similar footing. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant is the main accused person in this case. Because of his continuous torture and cruel treatment, the deceased, his wife has committed suicide. Hence, it is a clear case of dowry death and no case is made out for grant of bail.

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

5. Brief facts of the case are these, that marriage of the applicant and the

deceased took place on 05-06-2017. For staying about one month in her matrimonial home the deceased returned back to her parents on 04-07-2017 for the reason that she was also in service as nurse and had to join her duties. But, later on she committed suicide on 12-07-2017 by hanging herself in the house of her parents. Thereafter, on the basis of the allegation made by in-laws of this applicant, the case has been registered against this applicant and others for the offence of dowry death.

6. Considered on the submissions made and entire material present in the case diary.

7. The deceased was staying away from the applicant for more than a week when she committed suicide. The only contact with this applicant could have been through telephone system. According to the statements of the witnesses, the deceased was under some kind of depression before the date of incident. Although allegation has been made that the applicant and others were constantly subjecting the deceased to cruelty for demand of dowry, but source of this allegation is to be examined by the trial Court. Hence, considering on all the facts and circumstances of this case and particularly the fact that the deceased committed suicide in the house of her parents, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge