

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3420 of 2018**

Sunil Kumar Khute S/o Late Puniram, aged about 32 years, R/o-
Bhadrapara, Balko Nagar, Korba, Tahsil/ District- Korba, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through- District Magistrate, Korba, Police
Station- Balko Nagar, District- Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/06/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 18.04.2018 in connection with Crime No. 247/2017 registered at Police Station- Balko Nagar, District Korba (CG) for the offence punishable under Section 304B of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant is said to have subjected the deceased to ill treatment, cruelty and assault on demand of dowry, as a result of which she committed suicide on 17.01.2011 by consuming poison.

3. Counsel for the applicant submits that it is a case where the applicant has been falsely implicated in as much as the marriage of the applicant with the deceased took place in the year 2009, death took place on 17.01.2011 when the deceased committed suicide by consuming poison and the FIR was lodged after more than 6 ½ years from the date of death i.e. on 04.10.2017. He submits that there is no prima facie evidence available with

the prosecution to show that the applicant used to ill treat or harass the deceased for demand of dowry. He further submits that the family members of the deceased were examined at the time of merger and at that time none of the family members of the deceased made a statement of the deceased being subjected to ill treatment and cruelty for demand of dowry. It is only in the year 2017, for the first time, the issue of demand of dowry has been raised by the family members of the deceased.

4. State counsel opposing the bail application submits that it is a case where the matter was under investigation since the date of death and it is only in the course of recording of statement of the witnesses examined during the course of investigation it was reflected that there was ill treatment and cruelty on demand of dowry.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the date of marriage, date of death and the statement of the family members of the deceased who for the first time after more than 6 ½ years from the date of incident have stated that the deceased was subjected to ill treatment for demand of dowry, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**