

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3472 of 2018**

Thandaram Dahriya S/o late Sukul Ram Dahriya, aged about 52 years, R/o village Balgi, Police Station Banki Mongara, Tahsil Katghora, District Korba (CG)

---- Applicant**Versus**

State of Chhattisgarh through- District Magistrate, Korba, District-Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/06/2018**

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 22.03.2018 in connection with Crime No. 36/2018 registered at Police Station- Banki Mongara, District Korba (CG) for the offence punishable under Sections 498A, 306, 34 of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant in connivance with other family members is said to have subjected the deceased Shivkumari to ill treatment, torture and cruelty on demand of dowry on account of which out of frustration she committed suicide by consuming poison.

3. Counsel for the applicant submits that it is a case where the applicant has been implicated in the case only on account of being father-in-law of the deceased. He submits that even the allegations which have been levelled against the applicant are not specific but are general and omnibus

allegations. He further submits that the wife of the applicant against whom identical charges have been levelled has already been granted bail by the Court below. He submits that the applicant is an employee of SECL and he may be released on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the applicant subjected the deceased to ill-treatment and torture as is evident from the statement of the family members of the deceased so also from the independent witnesses examined during the course of investigation. Therefore, the applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the statement of the witnesses examined during the course of investigation where all of whom have made general and omnibus allegations against the applicant and his wife and also taking note of the decision of the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, 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