

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3505 of 2018**

Raju, S/o. Shri Balaram Sahu, Aged About 27 Years, R/o.- Village Chhadiya,
P.S. Palari, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station
Palari, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate

For State/respondent : Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2018**

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.407/2017, registered at Police Station – Palari, Balodabazar – Bahatapara (C.G.), for the offence punishable under Section 304B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 11.11.2017. The applicant and his wife had peaceful and happy married life. The deceased was of irritable nature and it is only because of this, she has committed suicide. There had been no case

of demand of dowry by this applicant. Similarly placed Co-accused person in this case has been enlarged on bail. Hence, it is prayed that the applicant may also be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear statement of the witnesses about the demand of dowry from the deceased prior to the date of unnatural death of the deceased. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The marriage of this applicant and the deceased Purnima Sahu had taken place about 6 years prior to the date of incident. The deceased self immolated on 18.10.2017 and died on the same day. Mourge was recorded on the same day but the FIR has been recorded on 08.11.2017 and the first statement under Section 161 of Cr.P.C. has been recorded on 05.12.2017, in which it has appeared for the first time that there had been a demand of dowry from the applicant side before the death of the deceased.
6. Considered on the submissions made and the contents of the case diary. Looking to the development that has taken place at subsequent stages, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram