

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3721 of 2018

- Amarnath Tandon S/o Pardeshi Tandon, Aged About 25 Years, R/o- Village- Borsi, Police Station- Pamgarh, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Pamgarh, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Mr. Anish Tiwari, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2018

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 01-12-2017 in connection with Crime No.350/2017 registered at P.S. - Pamgarh, District Janjgir-Champa, Chhattisgarh for the offence under Section 304B, 302, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-12-2017. No case is made out against this applicant according to the material present in the charge sheet filed against him. None of the witnesses have given such statement that there had been demand of dowry immediately before the death of the deceased. The death of the deceased had been purely accidental which is reflected from the statement of the witnesses who have talked immediately after the deceased got burned. Similarly placed co-accused Fagani Bai has been granted anticipatory bail by this Court. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that there is ample evidence on record to show that this is a case of dowry death, hence, the application may be rejected.

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

5. As per the prosecution case, the applicant and the deceased were married in the year 2014. On 14-09-2017 the clothes of the deceased caught fire while cooking and she got burned. She was immediately admitted to the hospital, but she died during the course of treatment on 15-09-2017, after which the FIR has been registered on the basis of written complaint filed by the father of the deceased, in which it was alleged that the applicant was demanding a motorcycle in dowry and was also torturing the deceased as she could not bear child. Hence, this case.

6. After considering on the case diary statements and also considering this fact that similarly placed co-accused Fagani Bai has been granted anticipatory bail, I feel inclined to grant bail to this applicant.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge