

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 613 of 2018**

1. Darashram Sahu S/o Late Battulal Sahu Aged About 60 Years.
2. Durgesh Kumar S/o Darashram Sahu Aged About 27 Years.

Both above R/o Village Pawni, Police Station Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through Police Station Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Manoj Paranjpe & Mr. Vikram Dixit, Advocates.
For State	:	Mr. Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

03/08/2018

1. This is anticipatory bail application filed under Section 438 of the Cr.P.C. for releasing the applicants as they apprehend their arrest in connection with Crime No. 175/2018 registered at Police Station- Bilaigarh, District- Baloda Bazar- Bhatapara (C.G.), for the offence punishable under Section 304B read with Section 34 of IPC.
2. As per the prosecution case, son of applicant No. 1- Diamond got married with deceased- Sushila Sahu on 23.04.2017 at Mahasamund and she died on account of hanging on 12.04.2018 and her death occurs otherwise than under normal circumstances within one year of the marriage.
3. As per the statement recorded under Section 161 of the Cr.P.C. and as per FIR, there is prima facie evidence that both the applicants being father-in-law and younger brother of her husband demanded dowry of gold and Rs. 5,00,000/- harassed the deceased by beating and not provided food to her just before the incident.

4. Learned counsel for the applicants submits that applicant No. 1- Darashram Sahu is 60 years old person and applicant No. 2- Durgesh Kumar is a young man of 27 years and he is an agriculturist therefore, both the applicants may be granted anticipatory bail.
5. On the other hand, learned State counsel opposes the anticipatory bail application and submits that there is strong evidence against both the applicants causing dowry death and there is presumption under Section 113B of the Indian Evidence Act, 1872 regarding dowry death, it is not a fit case to grant anticipatory bail to the applicants.
6. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.
7. Looking to the prima facie evidence and looking to the fact that the deceased died within one year of marriage, the present case is not a fit case where extraordinary jurisdiction should be invoked, I am not inclined to grant anticipatory bail in favour of the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-
(Ram Prasanna Sharma)
Judge