

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4054 of 2018**

Priyank @ Chhotu Surywanshi S/o Late Shri Sokhilal Surywanshi, Aged About 22 Years R/o Village Mendra, Chowki Sakri P.S. Chakarbhata, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Chakarbhata, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Amit Kumar Chaki, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 8009 of 2017 dated 5.3.2018. The applicant has been arrested in connection with Crime No. 278 of 2017, registered at Police Station Chakarbhata, District Bilaspur, Chhattisgarh for the offence punishable under Section 304B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The deceased, wife of the applicant had left no suicide note and in the first information that was given as merg intimation

no allegation was made about any demand of dowry. After the delay of 7 months, FIR has been lodged in this case. On 12.7.2017, it appears for the first time in the statement of the witnesses that there had been demand of dowry from the applicants' side which is a belated and concocted statement. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is direct statement against the applicant about demand of dowry. Hence, it is a case of dowry death and the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, deceased – Ranu Surywanshi and the applicant got married about three years prior to the date of incident. On 24.11.2016, the deceased committed suicide by hanging herself. Merg intimation was recorded on the same day but the FIR was lodged on 12.7.2017, that too on the basis of the merg enquiry. Hence, this case.

6. Considered the entire material present in the case-diary. It appears that the statement about demand of dowry was made after 7 months of the date of incident in the statement under Section 161 of the Cr.P.C. on 12.7.2017. Hence, after due consideration, I am of the considered opinion that the applicant deserves to be released on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge