

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4110 of 2018**

1. Dilip Nishad, S/o. Dwarika Prasad Nishad, Aged About 45 Years
 2. Smt. Chandrika Nishad, W/o. Dilip Nishad, Aged About 40 Years,
- All are R/o Village - Bendri, Police Station Utai, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Utai,
District Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Indira Tripathi, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/06/2018**

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 applicants, who have been arrested in connection with Crime No.41/2018, registered at Police Station – Utai, District – Durg (C.G.), for the offence punishable under Section 304-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 02.02.2018. Charge-sheet has been filed after completion of investigation. No case is made out against the applicants as there is no such specific and clear allegation of any witnesses that the

deceased was subjected to torture for demand of dowry soon before her death. Hence, it is prayed that the applicants may 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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, marriage of the deceased Sulochana was performed with co-accused Prabhat Nishad, thereafter, she went to reside in her matrimonial home. The deceased committed suicide on 05.01.2018 by consuming poisonous substance. Mourners intimation was recorded thereafter FIR was registered against the applicant and other co-accused persons.
6. Considered on the submissions made and the contents of the case diary and also perused the documents attached along with this application. In this case, co-accused Ku. Durgeshwari Nishad has been granted bail by the Coordinate Bench of this Court. After perusing the statement of the witnesses present in the case diary, it appears that ground for prosecution in such cases that soon before the abnormal death of the deceased wife there must be some demand of dowry. Statement of the witnesses is not very specific about this situation. Hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram