

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4192 of 2018**

Pradeep Kumar Pandey, S/o. Ayodhya Prasad Pandey, Aged About 30 Years,
R/o- Village Bhaisamuda, P.S. Urga, Tahsil Kartala, District- Korba,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station Kotwali, Korba, District-
Korba, Chhattisgarh. (wrongly mentioned as P.S. - Urga in the impugned
order)

---- Respondent

For Applicant	:	Mr. Rakesh Thakur, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.134/2018, registered at Police Station- Kotwali (wrongly mentioned as P.S. Urga in the impugned order), District – Korba (C.G.) for the offence punishable under Section 304-B, 306, 498-A, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 18.03.2018. No case is made out against the applicant on the basis of the material present on record to implicate the applicant for the offence of dowry

death or abetment to commit suicide. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that two years prior to the date of incident, the applicant had demanded cash of Rs.3.00 lakhs from his in-laws, which was fulfilled and thereafter continued to misbehave and treat his wife the deceased with cruelty. Hence, it is a clear case of dowry death or abetment to commit suicide. Therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According the prosecution case, the marriage of the applicant and deceased took place on 12.12.2013. Thereafter, it is alleged that the applicant and in-laws of the deceased started to torture the deceased for demand of dowry and there is evidence that about two years prior to the death of the deceased had paid Rs.3.00 lakhs to the applicant and it is alleged that the applicant and in-laws of the deceased continuously tortured the deceased on several occasions by misbehaving and beating her. Subsequently on 26.02.2018, the deceased committed suicide by hanging herself.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary against this applicant, it appears that there is no evidence about demand of dowry soon before the death of the deceased, though there is evidence of torture of the deceased and subsequent to filing of the charge-sheet, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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