

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4436 of 2018**

Durgesh Ratnakar S/o Shri Ramkhilavan Ratnakar, Aged About 24 Years, R/o- Village Pangaon, P.S. Pamgarh, Tahsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S.- Pamgarh, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	:	Shri Ashutosh Trivedi, Advocate
For Respondent/State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/09/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 01.12.2017 in connection with Crime No. 351/2017 registered at Police Station- Pamgarh, District Janjgir-Champa (CG) for the offence punishable under Sections 304 (B) of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant subjected the deceased to ill-treatment, torture and cruelty which led to her commit suicide on 24.10.2017 by consuming poison. The allegation as per the statement of the parents of the deceased is that the applicant used to ill-treat the deceased on demand of dowry of a motorcycle etc. frequently and he also used to physically assault her.

3. Counsel for the applicant submits that father and mother of the deceased have been examined before the Court below and during the course of evidence they have categorically admitted the fact that the

deceased was suffering from some sort of mental depression or problem for which they used to take her different places for her treatment and cure. He submits that the applicant has already remained in custody for a period of more than 9 months and therefore, considering all these facts the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that the deceased committed suicide barely two years of her marriage and that the death was also under suspicious circumstances. She submits that the parents of the deceased have also deposed against the applicant of ill-treating and torturing the deceased.

5. Considering entire facts and circumstances of the case, particularly the period of custody undergone and also taking note of the evidence of father and mother of the deceased where they have accepted during their cross-examination of the deceased suffering from some sort of mental disease, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**