

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4708 of 2018

- Mithlesh @ Mithun Sahu S/o Dayalu Ram Sahu, Aged About 26 Years, R/o- Village- Piper Chhedhi, Police Station Arjuni, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Arjuni, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-02-2018 in connection with Crime No.47/2018 registered at P.S. - Arjuni, District- Dhamtari, Chhattisgarh for the offence under Section 304 B 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 12-02-2018. No case is made out against him. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that this applicant may also be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that soon before the death of the deceased this applicant had assaulted and beaten her, which was the reason she consumed poisonous substance, hence, this applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Marriage of this applicant and the deceased was solemnized in the year

2016. On 14-01-2018 deceased Pinki Sahu consumed some poisonous substance, because of which, she died. After completion of the inquest procedure a written complaint was filed by mother of the deceased on 25-01-2018 making allegation against this applicant and other in-laws of the deceased. Hence, this case.

6. As the fact of demand of dowry does not appear to be specific, although there is evidence that this applicant and the deceased quarreled earlier before the time of incident which may be considered by the trial Court whether it amounts to abetment or not, but for the present, I am of this view that this applicant deserves to be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge