

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5224 of 2018**

Ajay Kumar Chouhan S/o Shri Kartikram Chouhan Aged About 25 Years R/o Village Jampali (Usrouth) P. S. Kotra Road District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Tahsil And District District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Saraf, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2018**

Heard.

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 applicant who has been arrested in connection with Crime No.74 of 2018, registered at Police Station – Kotra Road, District Raigarh, Chhattisgarh for the offence punishable under Section 304B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.03.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. There is no such statement on record of the investigation of the case which shows that the demand of dowry made by the

applicant from his wife. 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.

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

5. The marriage of the applicant with deceased - Sangeeta Chouhan was performed on 4.5.2017. On 3.3.2018, the deceased committed suicide by hanging herself. The merg was recorded on the same day and the statement of father of the deceased was recorded on 4.3.2018 which mentions that the deceased used to ask for money from her parents but no statement has been made about demand of dowry. Also perused the statement of mother of the deceased.

6. After due consideration and looking to the fact that the trial against the applicant is likely to take some time for its final disposal, 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

Nimmi