

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5401 of 2018**

Ramesh Dahriya S/o Thandaram Dahriya Aged About 31 Years R/o-
Village Balgi, Police Station- Banki Mongara, Tahsil- Katghora,
District- Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- District Magistrate, Korba, District-
Korba, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 36/2018 registered at Police Station Banki Mongara, District Korba, Chhattisgarh for the offence punishable under Sections 498A, 306, 34 of Indian Penal Code.
2. The present applicant is in jail since 22.03.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that his wife Shiv Kumari committed suicide on 19/20.11.2017 by consuming poison. The case of the prosecution against the present applicant is that the present applicant was in the habit of getting drunk frequently and used to subject the deceased with ill-treatment, cruelty and physical assault on the demand of dowry, which ultimately led her to commit suicide.

4. The counsel for the applicant submits that it is a case where all the allegations, which have been leveled against the present applicant, were omnibus and no specific incident or an overt act has been reflected from the statements of the parents of the deceased. It was further the contention of the applicant that the other co-accused persons have already been granted bail by this Court. It was also the contention of the applicant that one of the reasons for her to commit suicide was the fact that she was not able to conceive in spite of about 7-8 years of marriage.
5. The State counsel however opposing the bail application submits that it is a case where there are specific allegations leveled against the present applicant and that the relatives have also stated that the present applicant and the deceased had started living separately and where also during the course of their stay, there was the allegation of frequent physical assaults by the present applicant and therefore prayed for rejection of the bail applicant.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the nature of allegations, which appear to be more omnibus in nature and there are only general allegations leveled against the present applicant. Considering the total facts and circumstances of the case and also taking note of the fact that so far as the allegations against the other accused persons are concerned, those were also similar in nature and identical to the allegations leveled against the present applicant. Under the circumstances, this Court is of the opinion that prima facie a strong

case has been made out for grant of bail to the applicant.
Accordingly, the present application for grant of bail is allowed.

7. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved