

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5671 of 2018**

1. Prakash Giri Goswami @ Chhotu S/o Kalyan Goswami Aged About 24 Years R/o- Kirari Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Lala Giri Goswami S/o Kalyan Goswami Aged About 33 Years R/o- Kirari Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Akaltara, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	: Mr. Vimal Kumar Tondey, Advocate
For State/respondent	: Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.45/2018 registered at Police-Station-Akaltara, District-Janjgir-Champa(C.G.) for the offence punishable under Sections 304B, 34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them according to the material present in the charge-sheet. There is no specific allegation about demand of dowry against the applicants, therefore, it is not a case of dowry death. Hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence made by the witness, that the deceased was tortured by the applicants for demand of dowry. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Marriage of deceased with applicant No.1 Prakash Giri Goswami @ Chhotu was performed on 7.5.2017. Within 6 months the deceased self immolated herself on 25.11.2017 and died the same day. In the written complaint filed by the father of the deceased, it has been alleged that the applicant and the co-accused persons used to make demand of dowry from the deceased and subject her to cruel treatment and torture because of which she has committed suicide. Hence, this case.
6. On considering the entire material present in the case diary it appears that allegation regarding demand of dowry is not specific in nature. After due consideration, I am of the view that present applicant is also entitled to be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C.

are allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha