

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 5774 OF 2018**

Prabhat Nishad, S/o Dilip Nishad, aged about 21 years, R/o Village-Bendri, P.S. - Utai, Tahsil- Patan, District- Durg (CG)

... Applicant**versus**

State of Chhattisgarh, through : the District Magistrate, Durg, District Durg (CG)

... Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate.
For Respondent	:	Mr. Arvind Kumar Dubey, Panel Lawyer.

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

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 2.2.2018 in connection with Crime No. 41/2018 registered at Police Station- Utai, District Durg, for the offence punishable under Sections 304-B, 306/34 of IPC.
2. Allegation against the Applicant as per the prosecution is that the Applicant and the other co-accused persons used to ill-treat, torture and subjected the deceased to cruelty which led her to committing suicide on 15.1.2018 by consuming poison.
3. Learned Counsel for the Applicant submits that there are in all four accused persons - father-in-law, mother-in-law, sister-in-law and the husband, i.e., the Applicant, of the deceased and that except the present Applicant all the other accused persons have already been enlarged on bail. The Counsel further submits that the nature of allegation levelled against the Applicant is identically similar in nature and therefore the present Applicant also deserves to be released on bail. She next submits that it was a love marriage between the Applicant and the deceased and

therefore the Applicant subjecting her to ill-treatment and cruelty is an afterthought and cannot be accepted.

4. Learned Counsel for the State however opposing the bail application submits that the present Applicant is the husband of the deceased and that the deceased had died barely nine months from the date of marriage and that the parents and the relatives of the deceased have clearly stated that the deceased was subjected to ill-treatment and torture right from the date of marriage on the issue of demand of dowry.

5. Considering the total facts and circumstances of the case, particularly taking note of the fact that all the allegations which have been levelled against the Applicant are more or less similar in nature as comparing to the statements of the other accused persons and that the statements also appear to be omnibus and general in nature and therefore this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed by the Trial Court.

Sd/-
(P. Sam Koshy)
Judge