

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1002 of 2018

- Satendra Kumar Banjare S/o Late Shri Anandram Banjare Aged About 27 Years R/o- Shivaji Nagar, Ward No. 38, Khursipar Get, Bhilai, Police Station- Khursipar, Bhilai, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Khursipar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. P. Chetan Kumar, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.175/2018 registered at Police Station- Khursipar, District – Durg(C.G.), for the offence punishable under Sections 304-B, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant according to the evidence collected in the investigation so far. There had never been any demand of dowry infact the applicant

and the deceased have performed love marriage and their marriage was never accepted by the parents of the deceased, hence, there cannot be any question of demand of dowry in this case. The deceased has committed suicide by jumping before the running train because of her own reasons. Hence, it is prayed that he be enlarged on anticipatory bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that witnesses have given statement against applicant stating that he used to torture and subject to cruelty the deceased his wife, which has resulted in her death by suicide, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. Marriage of applicant with the deceased took place on 25.5.2012. On 21.4.2018 deceased committed suicide by jumping before the running train within the 7 years of her marriage. Evidence collected in the morgue inquiry and the investigation made so far, it is alleged that the applicant doubted her chastity because of which she has committed suicide.
6. After due consideration all the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the

following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge