

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.6162 of 2018**

Lokesh, son of Kamta Dhivar, aged about 21 years, Resident of Hathpaan, Police Station Berla, District Bemetara (CG)

---Applicant

Versus

The State of Chhattisgarh, Through Police Station Berla, District Bemetara (CG)

---Non-Applicant

For Applicant	:	Mr.R.K.Pali, Advocate
For Non-Applicant	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/10/2018

1. This is the second 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.26/2018, registered at Police Station-Berla, District-Bemetara (CG), for the offence punishable under Section 304(B)/34 of the IPC.

2. First Bail application of the applicant has been dismissed as withdrawn with liberty to repeat the same after examination of material prosecution witnesses.

3. Case of the prosecution, in brief, is that marriage of deceased Smt.Gaumati Dhivar was solemnized with main accused-Tarun on 6.4.2017 and she died on 30.12.2017 on account of burn injuries.

4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that the main accused is Tarun and no specific overt act has been alleged against applicant-Lokesh. Material prosecution witnesses have been examined but they have not supported the case of the prosecution, he is in jail since 23.1.2018 and no useful purpose will be served by detaining him in jail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, material collected against the applicant and his pre-trial detention, this Court is of the opinion that present is a fit case, in which, the applicant-Lokesh Dhivar should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed as bail application of applicant-Tarun Dhivar has not been pressed by counsel for the applicant on 7.9.2018.

9. It is directed that applicant-Lokesh Dhivar 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 trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-