

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5912 of 2018**

Firoj Khan S/o Shri Noor Khan, aged about 28 years, R/o village Khamhariyapara, Ward No.4, Naila, Police Chauki-Naila, Police Station & Tahsil-Janjgir, Civil & Revenue District Janjgir-Champa (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Chauki-Naila, Police Station Janjgir, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Paras Mani Shriwas, Advocate
For Respondent/State	:	Shri Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/09/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 18.01.2018 in connection with Crime No. 10/2018 registered at Police Chauki Naila, Police Station- Janjgir, District Janjgir-Champa (CG) for the offence punishable under Section 304(B), 34 of IPC.

2. The allegation against the present applicant is that he along with other accused persons is said to have subjected the deceased to ill treatment, torture and cruelty which finally led her to commit suicide by hanging. The allegation is that the marriage between the applicant and the deceased took place on 18.05.2016 and the death occurred barely 1 ½ years from the date of marriage and the death was under suspicious

circumstances. The allegation is that the applicant used to demand Rs.10,000/- and a motorcycle as dowry.

3. Counsel for the applicant submits that all other accused persons in the instant case have already been enlarged on bail by this Court. He submits that the nature of allegation against the present applicant is similar to that of other accused persons and therefore, the applicant may be released on bail. He further submits that the complainant i.e. the father of the deceased himself has since been examined before the trial Court and he has not supported the case of the prosecution and has been declared hostile which further makes the entire case of the prosecution doubtful. For this reason also the present applicant entitled for grant of bail.

4. State counsel, however, opposing the bail application submits that other than the father, there are other material witnesses also with the prosecution and some of whom during the course of investigation have deposed the applicant to have subjected the deceased to ill treatment and torture.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking into consideration the period of custody already undergone and the fact that the other accused persons have already been granted bail, moreover father of the deceased who is also the complainant at whose instance the present prosecution case started has not supported the case of the prosecution, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**