

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6400 of 2018**

Hemlal Patle S/o S/o Savadram Patle Aged About 54 Years R/o Village Baloda (Thargabahara), Police Station And Tehsil Baloda District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Baloda District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Singh, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.09.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 3514 of 2018 dated 3.7.2018. The applicant has been arrested in connection with Crime No. 15 of 2018, registered at Police Station Baloda, District Janjgir-Champa, Chhattisgarh for the offence punishable under Section 304B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.2.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet

has been filed. Co-accused – Ramakant Patle has been granted bail by this Court in M.Cr.C. No. 3514 of 2018 dated 3.7.2018 and the applicant has a similar case. The statements given by the witnesses reflect only omnibus statement of demand of dowry, which is totally false. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the case-diary for the prosecution of the applicant, he is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. The marriage of deceased – Karina Patle with co-accused – Ravi Kanth was performed on 5.5.2017. It is alleged that the deceased was subjected to torture and cruel treatment for demand of dowry. The deceased died by committing suicide on 17.1.2018. This applicant is the lodger of the merged intimation and FIR. Subsequent to that, witnesses have stated that the applicant was also one of the person who had made the demand of dowry before her death.

6. Considered the material present in the case-diary. Father of the deceased had made a statement about demand of dowry from the husband of the deceased whereas, the mother of the deceased has added the name of the applicant in her statement. Hence, after due consideration, I am of the view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge