

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6397 of 2018

- Ashish Kumar Singh S/o Kameshwar Singh, Aged About 30 Years, R/o- Quarter No. B/32, Urjanagar, Dipka, P.S.- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer Police Station- Dipka, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

MCRC No. 6512 of 2018

- Kameshwar Singh S/o Shri Ram Singh Aged About 59 Years, R/o- B-32, Urja Nagar, Gevra, Dipka, Police Station- Dipka, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Dipka, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicants – Shri Akhtar Hussain, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Govt. Advocate and Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-09-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.06/2018 registered at P.S. Dipka, District- Korba, Chhattisgarh for the offence under Section 304(B), 34 of the IPC, they are being decided by this common order.
2. These are second bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. Their first bail application were dismissed as withdrawn by this Court. The applicants have been arrested on 09-01-2018.
3. It is submitted on behalf of the applicants in both the applications that

these applicants have been falsely implicated in this case. There is no evidence present in the case diary or in the Court statements made by the main witnesses of this case that there had been demand of dowry made by these applicants. Hence, it is not a case under under Section 304(B) of the IPC. The applicants are in jail since 09-01-2018. No case is made out against them. Hence, it is prayed that they may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that copy of the Court statements submitted along with the applications itself shows that some payment of cash and other gifts were given by the parents of the deceased to the applicants which implies that there had been demand of dowry soon before the death of the deceased which has occurred within 7 years of the marriage. Hence, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. Marriage of deceased Shristi Singh with applicant Ashish Kumar Singh (applicant in MCRC No.6397/2018) was performed on 18-06-2017. The deceased committed suicide on 04-01-2018. After registration of the offence against the applicants, statement was given by the parents of the deceased and other witnesses that the deceased was being subjected to torture and cruel treatment for demand of dowry. Hence, this case.

7. On perusal of the case diary and the diary statements of the witnesses and also the certified copy of the deposition of the father and the mother of the deceased, it appears that the submission made on behalf of the applicants has some substance, hence, after due consideration, I am of this opinion that these applicants should be granted regular bail during pendency of the case against them.

8. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

The trial Court is not bound by any of the observations in this order, while deciding the case.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge