

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6375 of 2017**

Hemesh @ Chhotu Yadav S/o Sahatram Yadav, Aged About 28 Years
R/o Village Tikuniya, Police Station Bhatapara Gramin, District Baloda
Bazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police of Police
Station Bhatapara (Gramin), District Baloda Bazar, Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.01.2018**

Heard.

1. This is the first 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. 163 of 2017, registered at Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Section 304-B of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The deceased committed suicide for the reason that she was of unstable mentality and was irritable in nature. The applicant was not present on the spot of incident when the deceased committed suicide. Merg report was lodged on 6.4.2017 whereas the FIR has been recorded on 11.5.2017 which shows that the case against the

applicant is concocted. The applicant is ready to abide by all the conditions that may be imposed on him. 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 there is sufficient evidence to show that the applicant was torturing the deceased, his wife, for demand of dowry due to which the deceased has committed suicide. Hence, the applicant is not entitled for grant of bail.

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

5. The marriage of the applicant and deceased Ragni Yadav was performed in the year 2014 and the deceased committed suicide on 6.4.2017. The mother, brother and sister of the deceased gave statement that the applicant used to treat the deceased with cruelty for demand of dowry on the basis of this finding, the case has been registered against the applicant.

6. Considering the submissions and the contents of the case-diary, the fact that on going through the statement of the witnesses on record, it appears that there is no specific statement of time when the alleged demand of dowry was made, I am of the considered opinion that the applicant deserves to be released on bail.

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

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge