

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7584 of 2018

Virendra Chandel S/o Abhimanyu Chandel, aged about 22 years, R/o Near New-Police Line, Utkal Nagar, P.S. Durg, Out of post Padmanabhpur, District Durg (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - District Magistrate, Durg, Police Station Durg (Out of post Padmanabhpur), District Durg (C.G.).

---Respondent

For applicant	:	Shri R.K.Jain, Advocate.
For resp./State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/10/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.505/2018 registered at Police Station Durg (Out of post Padmanabhpur) (C.G.) for the offence punishable under Section 304-B of IPC.
2. Present applicant is in jail since 23/06/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant got married to the deceased around 16 months back and during this period it is said that he was subjecting her to ill-treatment and torture on the demand of dowry which ultimately led the deceased committing suicide by hanging herself on 21/06/2018.

4. The counsel for the applicant submits that, even if the entire version of the prosecutrix is accepted, then it would reveal that, all that the allegations made are of omnibus and general in nature with no specific allegation against the present applicant. He further contended that, even the neighbours have been examined from the place of incident who too have not supported the case of the prosecution and their statements goes in favour of the applicant and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the death of the deceased took place just about 16 months from the date of marriage. The death was also not a natural death and further from the statement made by the parents of the deceased it would reveal that the present applicant used to subject the deceased to ill-treatment and torture which led her to commit suicide and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the statements of the independent witnesses who were the resident of the neighborhood of the place of incident and also taking note of the period of custody undergone and the age of the applicant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE