

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7520 of 2017**

Santosh Kumar Patel, S/o. Netram Patel, Aged About 22 Years, R/o. Daihandih, Thana -Sahspur Lohara, District -Kabeerdham Chhattisgarh., Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through - Thana Sahaspur, Lohara, District Kabeerdham, Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/01/2018**

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.35/2017, registered at Police Station – Sahaspur Lohara, District – Kabeerdham (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code and Section 4 & 5 of Tonhi Pratadna Nivaran Act, 2005.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Co-accused persons in this case have been enlarged on bail by this Court and the applicant

has also a similar case. It is further submitted that material witnesses in this case have been examined, who have turned hostile and not supported the case of the prosecution, 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 in the suicidal note left by the deceased, it is stated that her in-laws have killed her, hence, for these reason, the applicant is not entitled to be released on bail.
4. In reply, learned counsel for the applicant respecting the said suicidal note submits that there is no report of handwriting expert on record. Further the brother of the deceased Girwar Patel (P.W.-1) has stated before the Court that this is not the handwriting of the deceased, hence, this ground is without any substance.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution in brief is that the deceased Heera Bai committed suicide on 23.01.2017 within a period of one and half years of her marriage with this applicant. After conducting morgue enquiry, FIR has been lodged against this applicant and others on the ground that deceased was subjected to torture and cruel treatment by them.
7. Considered the submissions made and the contents of the case diary and also perused the documents on record. As the co-accused persons in this case have been granted bail by this Court in M.Cr.C. No.4405/2017 by order dated 25.10.2017 on the similar ground, hence, this Court is of the opinion that present is a fit case, in which,

the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge