

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7780 of 2017**

- Bhagirathi Patel S/o Samaru Ram Patel Aged About 31 Years R/o Vill Churikala, Kumaharpara, P. S. And Tah. Katghora, District Korba, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Katghora, District Korba Chhattisgarh., Chhattisgarh

**---- Respondent**

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For Applicant : Mr. H.V. Sharma Advocate.  
For Respondent/State : Mr. N.K. Mehta, Panel Lawyer.

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

**Order On Board**

**23/02/2018**

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. 203/2017, registered at Police Station- Katghora, District – Korba (C.G.) for the offence punishable under Section 304(B) of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Deceased the wife of this applicant has committed suicide, because she was short tempered and had lost her mind at the time of the incident. No case is made out against this applicant regarding submitting the deceased to torture for demand of dowry. Applicant is in jail since 11.10.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular

bail.

3. Learned state counsel opposes the bail application and submissions made in this respect. It is submitted that there is clear evidence against the applicant, that he used to torture and give cruel treatment to the deceased his wife for demand of dowry because of which the unnatural death of deceased has taken place within 7 years from the date of her marriage which is clearly a dowry death. No case is made out for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Learned counsel for the applicant filed a certified copy of the statement of the main witness recorded before the trial Court, the mother and uncle namely-Sarwati Patel and Rathlal Jaiswal of the deceased, who have turned hostile.
6. Consideration on the entire material present in the case diary against this applicant and looking to the development in the case because of the hostility of the main witness, I am of this view that this is a fit where applicant should be enlarged on regular bail.
7. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing 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, for his appearance as and when directed.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge