

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8046 of 2017**

Ramkumar S/o Dharamdas, Aged About 25 Years R/o Saraipali, Police Station And Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Baramkela Civil And Revenue District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Kumar Jaiswal, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.03.2018**

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.58 of 2017, registered at Police Station – Baramkela, District – Raigarh, Chhattisgarh for the offence punishable under Section 304-B/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.7.2017 and he has been falsely implicated in this case. Deceased – Rekha Patel consumed poison on 1.3.2017 and she died on 24.3.2017, in between a dying declaration was recorded by the Executive Magistrate and the copy of dying declaration has been attached with the charge-sheet. The dying declaration, which was recorded, reveals that the deceased consumed

poison accidentally. After the death of the deceased i.e. 24.3.2017, no statement was made by any of the witnesses about demand of dowry. Subsequently, the father of the deceased has given a false complaint against this applicant and on that basis, FIR on 27.7.2017 has been lodged registering offence against the applicant, hence, no case is made out against the applicant regarding commission of offence. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. According to the statement of the witnesses under Section 161 of the Cr.P.C., there is clear allegation that the applicant was the person who used to demand dowry and soon before the death of the deceased on a demand made by him, the father of the deceased had paid Rs.50,000/- to the applicant, even then the demand continued because of which, the deceased was compelled to consume poison which resulted in her death. Hence, for these reasons, he is not entitled for grant of regular bail.

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

5. The marriage of the applicant and the deceased took place on 15.4.2016. On 1.3.2017, deceased – Rekha Patel consumed some poisonous substance and she died on 24.3.2017.

6. On perusal of the case-diary and the true copy of the dying declaration produced by counsel for the applicant, it appears that the deceased made a

statement before the Executive Magistrate that she consumed poisonous substance accidentally. Further, comparing the merged statement and the statements under Section 161 of the Cr.P.C. recorded after four months i.e. on 27.7.2017 shows a marked difference about the statement regarding demand of dowry, I am of the considered view that in this case the applicant deserves to be enlarged 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 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