

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 381 of 2019

1. Jilaram Vibhar S/o Late Panchu Vibhar Aged About 47 Years R/o Housing Board Colony, Marine Drive, Police Station Telibandha, Raipur District - Raipur Chhattisgarh.
2. Aniruddh Vibhar S/o Jilaram Vibhar Aged About 24 Years (Wrongly Mentioned As S/o Late Panchu Vibhar), R/o Housing Board Colony, Marine Drive, Police Station Telibandha, Raipur District - Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Telibandha, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri D.P. Singh, Dy. AG.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/02/2019

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 447/2018, registered at Police Station – Telibandha, District- Raipur (C.G.) for the offence punishable under Section 304-B, 34 of the IPC.
2. In this case, Applicant No. 1 is the father-in-law and Applicant No. 2 is the brother-in-law of the Deceased namely Khusboo. Marriage between the Deceased and co-accused Goutam was solemnized on 21/02/2018. Within 7 months of their marriage, the Deceased died in suspicious situation on 06/08/2018. Merg was lodged. Statements of

mother and brother of the Deceased were recorded, therein it was disclosed that after the marriage the Deceased was harassed and tortured by her husband and other family members for demand of dowry. On the basis of said, offence has been registered and the Applicants have been taken into custody on 29/10/2018.

3. Counsel for the Applicants, after arguing some time, submits that he does not want to press this bail application with regard to Applicant No. 1 namely Jilaram Vibhar and only press this application on behalf of Applicant No.2.
4. Thus, this bail application is dismissed as not pressed with regard to Applicant No.1 Jilaram Vibhar.
5. With regard to Applicant No.2, counsel for the Applicants submits that Applicant No. 2 is innocent and has been falsely implicated in the present case. There is no specific allegation made by both the witnesses i.e. mother and brother of the deceased against Applicant No.2 and only general allegation has been made against him. He further submits that co-accused Ku. Rukhmani Vibhar has already granted benefit of bail by this Court vide order dated 04.01.2019 passed in MCRC No. 9296/2018, therefore, Applicant No. 2 may be released on bail.
6. Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the entire facts and circumstances of the case, particularly the evidence collected by the prosecution and the allegations made against Applicant No.2, and further considering that

the other co-accused has already granted benefit of bail by this Court, Applicant No. 2 in custody since 29/10/2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release Applicant No.2 on bail.

9. Accordingly, the bail application is allowed in respect of Applicant No.2.

10. It is directed that Applicant No. 2 shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**