

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 423 of 2019**

- Manoranjan Dharmraj, S/o Mohan Lal, aged about 35 years, R/o Shivam Vihar Colony Quarter No. D/50 Khamtarai, Police Station Sarkanda, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station – Sarkanda, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri UKS Chandel, Advocate.
For Objector	:	Shri K.P.S. Gandhi, Advocate.
For Respondent/State	:	Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**07/02/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 933/2018, registered at Police Station - Sarkanda, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 304-B of the Indian Penal code.
2. As per the prosecution story, Applicant is the husband of the Deceased Meenakshi. Their marriage was solemnized on 11.02.2015 and due to their wedlock one daughter namely Pratiksha was born, aged about three years as on 03.11.2018. On the date of incident i.e. 03.11.2018, the Deceased after hanging her daughter, she also committed suicide by hanging herself in the house of the Applicant. It is alleged that after fifteen days of the marriage, the Applicant started ill treatment with his wife/Deceased for demand of dowry. Being harassed with the torture of the Applicant, she (Deceased) murdered her small daughter and committed suicide by hanging herself. On the

basis of the said background, offence has been registered against the Applicant. He has been taken into custody on 05.11.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that there is no any evidence available on record which shows that soon before her death deceased was subjected to cruelty or harassment by present Applicant. Thus, *prima facie*, no any offence under Section 304-B of the IPC can be made out against the present Applicant. He further submits that virtually, the Deceased was not happy with the marriage and Applicant had never misbehaved or tortured the Deceased for demand of dowry, infact deceased was a short tempered lady and in a habit of attempting suicide earlier also. He further states that charge-sheet has already been filed, Applicant has been taken into custody on 05.11.2018 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State as well as Counsel for the Objector, both oppose the bail application. They both submit that there are sufficient evidence available on record against the present Applicant. Witnesses have categorically stated in their statements recorded under Section 161 of the Cr.P.C. that soon after her marriage, the Deceased was subjected to cruelty due to demand of dowry by the Applicant. In the year 2017 also, at the time of engagement ceremony of brother of the Deceased, quarrel took place between the Applicant and the Deceased. There is also evidence available on record which shows that on 03.11.2018 again quarrel took place between the Applicant and the Deceased as Deceased was not allowed to visit her brother's house on occasion of birthday ceremony of a new born child. Applicant did all these because the demand of dowry was not fulfilled by the Deceased. Thus, there are sufficient evidence available on record against the present Applicant.
5. I have heard learned Counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case and further considering the statements of the witnesses recorded under Section 161 of the Cr.P.C., allegations levelled against the present Applicant and the evidence available on record against the present Applicant, I am not inclined to release the Applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

(Arvind Singh Chandel)
Judge