

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1071 of 2019**

- Kedarnath Sahu S/o Shri Santram Ram Sahu Aged About 23 Years R/o Village Seldeep, Thana Kurud, Tehsil Kurud, District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Shri Mahesh Mishra, Advocate.
For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**01/03/2019**

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. 352/2018, registered at Police Station - Kurud, District – Dhamtari, Chhattisgarh, for the offence punishable under Section 304(B) & 34 of the IPC.
2. As per the prosecution story, marriage of deceased Malwantin Bai was solemnized with the present Applicant on 13.03.2018. On 26.07.2018, the deceased committed suicide by consuming poison. It is further alleged that the present Applicant alongwith other co-accused person used to harass the deceased on account of demand of dowry and domestic violence, due to this, the deceased committed suicide. Merg was lodged by co-accused Santram Sahu, father-in-law of the deceased. After merg enquiry, on the basis of the statement of the father and other relatives of the deceased, offence has been registered. The Applicant has been taken into custody on 15.08.2018.
3. Learned Counsel appearing on behalf of the Applicants submits that

the Applicant is innocent and has been falsely implicated in the case. He further submits that there is no specific allegation against the present Applicant regarding harassment or demand of dowry. He also submits that there is no any evidence which shows that the deceased was subjected to cruelty soon before her death for demand of dowry. It is further submitted that the co-accused person namely Tanuja Sahu has already been granted bail by this Court vide order dated 12.11.2018 passed in MCRC No. 7867/2018. On the same fact of evidence, co-accused namely Santram Sahu and Surja Bai have also been granted bail vide order dated 15.01.2019 passed in MCRC No. 9497/2018. Charge-sheet has been filed, present Applicant is in the custody since 15.08.2018 and trial is likely to take some time. Therefore, he may also be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there is no specific allegation against the Applicant regarding demand of dowry or harassment. The co-accused namely Smt. Tanuja Sahu has already been granted bail by this Court vide order dated 12.11.2018 passed in MCRC No. 7867/2018, other co-accused namely Santram Sahu and Surja Bai have also been granted bail vide order dated 15.01.2019 passed in MCRC No. 9497/2018, the present Applicant is in custody since 15.08.2018, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 20,000/- with one solvent surety for

the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash