

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1563 of 2019

- Bhuwan Sinigh S/o Kanhaiya Singh Thakur Aged About 34 Years R/o Barpani, Police Station Saliha, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh R/o Barpani, Police Station Saliha, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Shri A.S. Rajput, Advocate.
For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2019

1. The Applicant has preferred second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 46/2018, registered at Police Station – Saliha, District-Balodabazar-Bhatapara, (C.G.) for the offence punishable under Section 304 B of the IPC in alternative Section 302 of IPC.
2. First bail application was dismissed as withdrawn with liberty to file afresh after examination of some material witnesses before the Trial Court vide order dated 14.11.2018 passed in MCRC No. 8422/2018.
3. In this case, Applicant is the husband of the deceased Ambika Thakur. Marriage between the Applicant and the deceased was solemnized in the year 2014. As per the prosecution story, on 06.04.2018, deceased died in a suspicious condition by burning herself. Merg was lodged on

06.04.2018 itself and merged enquiry was conducted and on the basis of the said, offence has been registered against the present Applicant. Allegations against the present Applicant is that, after the marriage, Applicant used to harass and torture the deceased on account of demand of dowry. Thereafter, the deceased died in a suspicious condition. The Applicant has been taken into custody on 14.06.2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that father and mother of the deceased namely Angad (PW-1) and Heera Dehri (PW-2) respectively, have already been examined before the Trial Court and from the evidence adduced by them before the Trial Court, it is prima facie, establish that there is nothing on their evidence which shows that deceased was subjected to cruelty for demand of dowry soon before her death by the present Applicant. It is further submitted that Ku. Jharna Singh and Ku. Lakshmi Singh, daughters of the Applicant and the deceased, in their statements, recorded under Section 161 of the Cr.P.C., have not stated anything in this regard. Applicant is in custody since 14.06.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the statements of Angad (PW-1) and Heera Dehri (PW-2) before the Trial Court, Applicant is in custody since 14.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

8. Accordingly, the bail application is allowed.

9. It is directed that the Applicant shall be released on bail on executing 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