

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 1977 of 2019

Samvrat Dhuriya S/o Late Rudraprasad Dhuriya Aged About 26 Years R/o
 Baikunthpur, (Kachaharipara), Police Station And Tahsil- Baikunthpur,
 District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
 Baikunthpur, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur),
 Chhattisgarh

---- Respondent

For applicant	:	Shri Shaktiraj sinha, Advocate.
For resp./State	:	Shri Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2019

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 71/2018 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 304 B/34 of IPC.
2. Present applicant is in jail since 09/07/2018.
3. The present is a repeat bail application. The first bail application was rejected by this Court on 31/10/2018 in MCRC No. 7528/2018. This repeat

bail application has been filed after some of the material witnesses have been examined.

4. The counsel for the applicant submits that during the course of the evidence, the father of the deceased PW-1 has been examined and also mother of the deceased PW-2 has been examined and from the statement of the both these witnesses it is evidently clear that the deceased had suicidal tendency in as much as the even prior to her marriage, the deceased has on more than couple of occasions attempted suicide and thus present applicant cannot be held responsible for the death of the deceased. He further submits that even the statement of these two witnesses would show that there are material contradictions in the police statement that they had given at the first instance and in the subsequent statement that they have given before this Court.

5. The State counsel however opposing the bail application submits that, in fact there are statement made by the relatives of the deceased including father and the mother who have specifically levelled allegations of assault and harassment at the hands of the present applicant upon the deceased which led to her committing suicide and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into account the statement of the father who in his cross-examination has admitted the fact that the deceased on prior to her marriage on two occasions had attempted suicide and also considering the

period of custody undergone by the applicant, this Court is of the opinion that prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE

Rohit