

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2875 of 2019

- Ashok Vishwkarma S/o Late Suraj Vishwkarma, aged about 45 years, R/o Amraiypara, Out Post - Manikpur, Police Station - Kotwali, Korba, District Korba Chhattisgarh.
- Smt. Sangita Devi Vishwkarma W/o Ashok Vishwkarma aged about 40 years, R/o Amraiypara, Out Post - Manikpur, Police Station - Kotwali, Korba, District Korba Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post - Manikpur, Police Station - Kotwali, Korba, District Korba Chhattisgarh.

---- Respondent

For Applicants	: -Shri Dharmesh Srivastava, Advocate
For Respondent-State	: -Shri Avinash Singh, PL

Order On Board ByHon'ble Justice Shri Prashant Kumar Mishra18/06/2019

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants,

who have been arrested in connection with Crime No.900 of 2018, registered at Police Station Kotwali, Out Post Manikpur, District Korba (CG) for the offence punishable under Sections 304-B, 34 of IPC.

3. Undisputedly applicants' son Durgesh performed love marriage with deceased Tripti Dey when both of them eloped to perform such marriage. It is also not disputed that the couple were residing separate from the residence of the applicants who happened to be the father-in-law and mother-in-law respectively of deceased Tripti Dey. The main allegation constituting an offence under Section 304-B of IPC in that the applicants were demanding Rs.2 lakhs from the deceased or her mother to allow them to reside with the applicants' family. Whether or not such demand would constitute dowry shall be examined by the trial Court, however, that appears to be a debatable issue.
4. Keeping in view the fact that the applicants are in jail from 10.11.2018 and some of material witnesses including Geeta Dey and Babita Chouhan, have already been examined, therefore, I am inclined to release the applicants on bail.
5. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- each

(Rupees Twenty Five Thousand Only) with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit