

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 789 of 2019

- Ashok Kumar S/o Shri Chandram Nishad, Aged About 30 Years, By Caste - Kewat, R/o Village Pairaguda, Thana- Kasdol, District- Balodabajar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kasdol, District- Balodabajar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-08-2019

1. Apprehending arrest in connection with Crime No.120/2019, registered at Police Station – Kasdol, District- Balodabajar-Bhatapara, Chhattisgarh for offence punishable under Section 304 (B)/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case of dowry death is made out against this applicant. Similarly placed co-accused persons have been granted anticipatory bail by this Court. The deceased in this case has died because of self immolation. Before her death she has made dying declaration in which she has made no allegation against this applicant or any other accused persons. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. According to the prosecution case, deceased Rajani Kewat, wife of this applicant died unnatural death on 27-09-2018 within two years of her marriage. After lodging of the FIR, the witnesses have made statement that the deceased was tortured for demand of dowry before her death. Hence, this case.

5. Considered on all the material present in the case diary. The dying declaration of the deceased does not reflect any allegation against this applicant or any other accused persons which is a material evidence. Therefore, under these circumstances, I feel inclined to allow this application.

6. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge