

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3306 of 2019**

Mukesh Samundre, son of Umesh Samundre, aged about 27 years,
resident of Chhota Bazar, Chirimiri, Police Station Chirimiri, District
Korea, Chhattisgarh

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Chirimiri, District Korea, Chhattisgarh

---Non-Applicant

For Petitioner	:	Mr.U.K.S.Chandel, Advocate
For Respondent	:	Mr.K.K.Singh, Govt. Advocate

Hon'ble Smt.Justice Rajni Dubey

Order on Board

24/05/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.255/2018, registered at Police Station-Chirimiri, District Korea (CG), for the offence punishable under Section 306/34 of the IPC.

2. It is submitted on behalf of the applicant that he has been falsely implicated in this case. No case is made out against him for abetment of commission of suicide by the deceased in this case. The marriage of the deceased with the applicant was about 10 years old, therefore, presumption under Section 113A of the Evidence Act would not be applicable in this case. The dispute that had taken place earlier was already resolved and at the time of incident also nothing has happened

so as to show that the deceased was abetted to commit suicide. As the father of the deceased is aggrieved, he has made false allegations against the applicant. Therefore, it is prayed the present applicant may be benefited with grant of regular bail.

3. Learned counsel for the State/non-applicant opposes the bail application.

4. Heard learned counsel for the parties and perused the case diary.

5. Marriage of the deceased Neelu Samundre took place in the year 2008. After some initial disputes regarding demand of dowry, the matter was settled and when the deceased was residing with the present applicant in his house, she committed suicide in the intervening night of 18th and 19th of July, 2018. Subsequent to that, in the morgue and in the statement, parents of the deceased had made allegation that the deceased was subjected to torture for demand of dowry. Hence, this case.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, pre-trial detention of the applicant i.e. since 28.1.2019, the fact that charge-sheet has already been filed and no custodial interrogation is required, this Court is of the opinion that present is a fit case in which the applicant should be released on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his executing a personal bond for a

sum of Rs. 25,000/- 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/-

(Rajni Dubey)
Vacation JUDGE

B/-