

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4034 of 2019

Vishnu Prasad Kashyap, S/o. Gokul Prasad Kashyap, Aged About 23 Years,
R/o. Khaira, Police Station -Pamgarh, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Pamgarh, District Janjgir-
Champa Chhattisgarh.

---- Respondent

and

M.CR.C. No. 4089 of 2019

Gokul Prasad Kashyap, S/o. Late Gayaram Kashyap, Aged About 50 Years,
R/o. Khaira, Police Station -Pamgarh, District - Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Pamgarh, District- Janjgir-
Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Pushpendra Kumar Jaiswal, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2019

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.330/2018, registered at Police Station – Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 304-B, 302, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 11.01.2019. The witnesses of this case have made statement after long delay of more than one and half month making false allegation, which are very general in nature. Therefore, there is no evidence that the deceased was subjected to torture for demand of dowry soon before her death. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the witnesses have alleged that the applicants used to demand money and paddy from her parental house, hence, looking to this evidence, the applications be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, within two and half years after the marriage with the applicant Vishnu Prasad Kashyap, the deceased Bhanmati committed suicide on 05.10.2018 by setting herself ablaze and she died on the same day. The inquest procedure was taken up

and later on, on the basis of the statement given by the parents of the deceased regarding demand of dowry, FIR has been lodged against the applicants.

7. Considered on the submissions made and the contents of the case diary. Perused the diary statement of the witnesses, the statement under Section 161 of Cr.P.C. has been recorded on 28.12.2018. The prosecution needs to make out a case that the demand as it is alleged had been soon before the death of the deceased, therefore, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge