

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4323 of 2019

- Gautam Vibhar S/o Jila Ram Aged About 29 Years R/o Qtr. No. 8, Block No. 33, Housing Board Colony, Near Marin Drive, Police Station Telibandha, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Telibandha District Raipur Chhattisgarh.

---- Respondent

For Applicant : Ms. Laxmeen Kashyap, Advocate.
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 447/2018, registered at Police Station – Telibandha, District- Raipur (C.G.) for the offence punishable under Section 304 B & 34 of the IPC.
2. As per prosecution story, the applicant is the husband of deceased Khusboo. Their marriage has been solemnized on 21.02.2018, after seven months of their marriage, deceased has died in suspicious condition on 06.08.2018, thereafter, morgue was lodged and statements of relatives of the deceased have been recorded, they have stated in their statements that the deceased was harassed and tortured by the present applicant and other co-accused persons for demand of dowry. On the basis

of said background, offence has been registered. The applicant is in custody since 29.10.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that from the evidence collected by the prosecution prima facie no offence under Section 304 B of the IPC can be made out against him. Co-accused Jilaram Vibhar and Anirudh Vibhar already granted benefit of bail by this Court vide order dated 05.02.2019 passed in MCRC No. 381/2019 and co-accused Ku. Rukhmani Vibhar and Jayanti Vibhar granted benefit of bail by this Court vide order dated 04.01.2019. The applicant is in custody since 29.10.2018. Therefore, the applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the Court statements of Vijay Niyal (PW-1) brother of the deceased, Usha Bagh (PW-14) mother of the deceased, Divya Bagh (PW-6) sister of the deceased. At this stage, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge