

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4331 of 2019**

Doman Sahu S/o Latel Sahu Aged About 22 Years R/o Village Navagaon,
P.S. Bhatapara (Gramin), Distrit Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Bhatapara (Gramin), Distrit Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta, Advocate.
For the Respondent/State : Shri Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2019**

Heard.

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.94 of 2019, registered at Police Station – Bhatapara (Gramin), District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Section 304B, 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.2.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The only statement of the witnesses against this

applicant is that the applicant and others used to taunt the deceased for not bringing the motorcycle in dowry which does not show any demand. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. The applicant was married to the deceased on April, 2018. Deceased – Janki Bai set herself ablaze on 11.2.2019 because of which, she died on the same day. FIR has been lodged on 19.2.2019. On the basis of merged enquiry and subsequent to that, the statement of the witnesses have been recorded under Section 161 of the Cr.P.C. in which the only statement of the witnesses is that the applicant and others used to complain the deceased that she has not brought a motorcycle in dowry but there is no statement of making any demand.

6. After considering the facts and circumstances of the case and the material in the case diary, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge