

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4608 of 2019

Dileshwar Patel, S/o. Late Kanshi Ram, Aged About 29 Years, R/o. Village Narayanpur, P.S. Sankara, Tahsil Pithora, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Sankara, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2019

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.93/2019, registered at Police Station – Sankara, District – Mahasamund (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 07.05.2019. The applicant has not committed any offence. The father of the deceased had given an affidavit, before the Court below making statement that there had been no dispute between the

applicant and his wife, the deceased and he does not want to prosecute the applicant and has no objection in grant of bail to the applicant, which was not considered by the Court below. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence of the witnesses present in the case diary, this applicant used to torture the deceased for demand of dowry, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the marriage of the applicant with the deceased Sunita Patel took place about three years prior to the date of incident. It is alleged that the applicant used to demand cash and jewelery in dowry and some of the demands were fulfilled, however, the applicant continued with that demand and deceased died unnatural death on 13.03.2019 on account of suspicious consumption of poison.
6. Considered on the submissions made and the contents of the case diary. The evidence in the case diary is direct against the applicant, however, there is mention in the rejection order of the Court below by filing of the affidavit by the parents of the deceased, which gives support to the applicant's version, therefore, on this ground this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram