

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5274 of 2019

1. Balkishore Sahu S/o Late Dhal Singh, Aged About 29 Years, R/o Village Khursuni, Police Station Arjunda, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Fagni Bai W/o Late Dhal Singh, Aged About 50 Years, R/o Village Khursuni, Police Station Arjunda, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Arjunda, District Balod Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicants – Shri P.R. Patankar, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 06-06-2019 in connection with Crime No.95/2019 registered at P.S. - Arjunda, District – Balod, Chhattisgarh for the offence under Section 304-B/34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 06-06-2019. The deceased, wife of applicant No.1 had immolated herself on 04-01-2018, on the very same day her dying declaration was recorded by the Executive Magistrate in which she did not hold responsible any of the applicants in the incident of her burning. The deceased then died on 09-01-2018. After passing of about 1 and ½ years the FIR has been lodged on 06-06-2019 which is totally without any basis. Therefore, it is prayed that the applicants may be regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that in the statement given by the parents and others related with

the deceased, it is stated that the deceased was tortured for demand of dowry before her death. Therefore, the applicants are not entitled for grant of bail.

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

5. As per the prosecution case, marriage of deceased Mukti Sahu with applicant No.1 took place on 25-08-2015. It was love marriage which was performed in Arya Samaj Mandir. After the incident of burning on 04-01-2018 and the death of the deceased on 09-01-2018 the morgue enquiry was kept pending for a long time and thereafter on the basis of the statement given by the parents and others connected with the deceased the FIR has been lodged on 06-06-2019.

6. On perusal of the dying declaration of the deceased which was recorded on 04-01-2018 it is found that she has not made any allegation regarding demand of dowry, neither she has held responsible any of the applicants in the incident of her burning. Therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge