

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1312 of 2019**

- Yogeshwar Patel S/o Trinath Patel Aged About 36 Years R/o Village Tengapali, Tahsil Pusour, Taluka Pusour, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pusour, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Amit Singh, Advocate.

For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****23/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 62/2019 registered at Police Station Pusour, District – Raigarh, (C.G.) for the offence punishable under Section 304B/34 of I.P.C.
2. In this case, Applicant is the husband of deceased Rukmadi Patel. Their marriage was solemnized in the year 2015. Within seven years of marriage deceased committed suicide on 15.03.2019 by hanging herself. The information regarding her death was given by Trinath Patel before police station. On the basis of the said, inquest proceedings were done and merg was lodged. During merg proceedings, some affidavit have been submitted by brothers of deceased namely Iflal Patel, Bhushan Patel, sister-in-law namely Ganga Patel and her mother Thanmati Patel. On the basis of the said

affidavits, offence has been registered against the Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no offence under Section 304-B of I.P.C. can be made out against the present Applicant. It is further submitted that initially at the time of inquest, statements of mother of the deceased, her sister-in-law and other witnesses were recorded and none of the witnesses have stated anything against Applicant regarding demand of dowry and a false and fabricated affidavits have been submitted by the witnesses. All allegations which were made against the Applicants in the affidavits are general in nature. Also, there is nothing on record, on the basis of which it can be said that soon before death of the deceased, she was subjected to cruelty by the Applicant on account of dowry. Looking to the above, Applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and further considering the fact that during merg inquiry, mother and sister-in-law of the deceased have not stated anything against present Applicant regarding demand of dowry, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also

abide by all the following terms and conditions :

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge