

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5973 of 2019**

- Vikas Singh S/o Rajkumar Singh Aged About 25 Years R/o Near Ganesh Mandir, Rajiv Nagar, Supela, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri C.P. Soni, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/09/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 534/2018, registered at Police Station – Supela, District - Durg, (C.G.) for the offence punishable under Sections 304(B) and 34 of I.P.C.
2. Vide order dated 08/03/2019 passed in MCRC No. 1145/2019, first bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after examination of some material witnesses.
3. In this case, present Applicant is the husband of deceased Kavita Singh. Their marriage was solemnized on 03.09.2017. On 23.05.2018 deceased Kavita Singh committed suicide by hanging herself in her matrimonial house. Allegation against the present Applicant is that he

alongwith other co-accused persons i.e. mother and younger brother of the Applicant used to harass and torture the deceased on account of demand of dowry. It is further alleged that soon before her death, deceased was subjected to cruelty on account of demand of dowry. On the basis of the said, offence has been registered. Applicant has been taken into custody on 09.06.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. From the material collected by the prosecution, no offence under Section 304(B) of IPC can be made out against the present Applicant. He further states that, mother and brother of the deceased namely Kusum Singh and Kamal Kishore Singh respectively have already been examined before the trial Court and from perusal of their statements, it seems that main allegation is made against the mother and brother of the present Applicant. Also, it is not established that, soon before death of the deceased, she was subjected to cruelty on account of demand of dowry by the Applicant. It is further submitted that other co-accused persons i.e. mother and brother of the Applicant have already been granted bail. Applicant is in custody since 09.06.2018 and trial is likely to take some time. Therefore, he may also be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 09.06.2018 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge