

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1508 of 2019

- Thaneshwar Kumar S/o - Ramhu Lal Dewangan Aged About 29 Years R/o - Panchmukhi Hanuman Nagar, Ratnabandha Dhamtari, District Dhamtari Chhattisgarh At Present R/o - Village Devpur, Police Station Arjuni District Dhamtari Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through City Kotwali Dhamtari, District Dhamtari Chhattisgarh

---- Respondent

AND

MCRCA No. 1578 of 2019

- Ku. Pushpa @ Rani D/o Ramu Lal Dewangan Aged About 25 Years Occupation Intiriyar Designer Kanker, District- Kanker, Chhattisgarh, Permenent R/o Village Devpur, P.S. Arjuni, P.S. Arjuni, Tahsil And District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 1508/2019): Mr. Pushpendra Kumar Patel
Advocate.

For Applicant (In MCRCA No. 1578/2019): Mr. Pushpendra Kumar Patel
Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/12/2019

1. Since both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 348/2019, registered at Police Station City Kotwali, Distt. Dhamtari (C.G.) for the offence punishable under Sections 304 (B)/34 of the IPC.
3. As per prosecution story, marriage between deceased Varsha Dewangan and co-accused Bhagwat was solemnized on 22.09.2016. The deceased committed suicide on 06.09.2019 by hanging herself. Applicant Thaneshwar Kumar was the brother-in-law and applicant Ku. Pushpa @ Rani was the sister-in-law of the deceased. Allegedly, after the marriage, the applicants along with other co-accused persons harassed and tortured the deceased on account of demand of dowry. Soon before her death also, on the same ground, she was harassed and tortured by the applicants and other co-accused persons due to which the deceased committed suicide.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. There is nothing on record against both the applicants. Applicant Thaneshwar Kumar living in Kanker and doing his job there. Applicant Pushpa also living in Kanker along with applicant Thaneshwar. All the allegations levelled against the co-accused persons who are already been arrested. The counsel further submits that there is no evidence available on record from which it can be

said that soon before death of the deceased, she was harassed and tortured by the applicants on account of demand of dowry. Prima facie no case under Section 304 (B) of the IPC can be made out against the applicants. He lastly submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced learned counsel appearing for the parties and further considering the fact that prima facie both the applicants living separately, no direct allegations levelled against the present applicants, all the allegations have been made against co-accused persons and no custodial interrogation is required in the matter. Without further commenting on other merits of the case, in my considered opinion, the present applicants are entitled to grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;

- II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge