

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 6708 of 2019**

- Bhimeshwar Sahu S/o Shri Uday Ram Sahu Aged About 26 Years R/o Vill.- Dongitarai, P.S. Gobra-Nawapara, District- Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Ps- Gobra-Nawapara, District- Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Anchal Kumar Matre, Advocate. |
| For Respondent/State | : Mr. Shubham Verma, P.L.           |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**21/10/2019**

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. 254/2018, registered at Police Station – Gobra-Nawapara, District- Raipur (C.G.) for the offence punishable under Sections 304-B & 34 of the IPC.
2. First bail of the applicant was dismissed as withdrawn vide order dated 04.04.2019 passed in MCRC No. 1935/2019.
3. In this case, the applicant is the husband of deceased Khushbu, their marriage has been solemnized on 14.04.2017. The deceased died on 06.10.2018 in suspicious condition. As per prosecution story, the applicant having a love relationship with another woman, allegedly, the applicant, after his marriage harassing the deceased mentally and physically on account of demand of dowry, soon before her death she was subjected to cruelty on the same ground, due to which she died. The applicant is in custody since 20.12.2018.
4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that mother and father of the deceased namely Bhaisan Sahu and Chetan Sahu have already been examined before Trial Court and in their Court statement they have made general allegations against the applicant. From their statements, it is not established that soon before the death of the deceased, she was subjected to cruelty on account of demand of dowry by the applicant, therefore, no offence under Section 304-B of the IPC can be made out against him. He is in custody since 20.12.2018 and trial is likely to take some time. Therefore, he may 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 with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and after perusing the statements of mother and father of the deceased namely Bhaisan Sahu and Chetan Sahu, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- 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**