

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 10008 of 2018

Nand Kanhaiya, S/o Uday Ram Sidar, Aged About 35 Years, R/o Village Potapara, P.S. Saraipali, District Mahasamund Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh ---**Respondent**

For Applicant	:	Shri Vikas Pradhan, Advocate
For Respondent/State	:	Shri Santosh Bharat, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2019

Heard.

This is a second bail application. Earlier bail application was dismissed as withdrawn.

1. The applicant has been arrested in connection with Crime No.231 of 2017 registered at Police Station- Saraipali, District Mahasamund (C.G.) for the alleged commission of offence under Section 304-B/34, 306 of IPC (as per charge framed against the accused).
2. Case of the prosecution is that Gomti Bai was married to Tejendra Pratap. It is alleged that she was being subjected to cruelty in connection with demand of dowry and thereafter, she was found dead in the matrimonial house in suspicious circumstances, due to poison.
3. Learned counsel for the applicant would argue that as far as the present applicant is concerned, he is the brother-in-law of Tejendra Pratap and resides separately. He would argue that in the diary statement of the prosecution witnesses, there is no specific allegation against the present applicant nor it has come that he was also residing in the same house where the deceased resided with her husband, co-accused Tejendra Pratap.

Learned counsel for the applicant further argues that number of prosecution witnesses Ghosomoti (PW1), Purushottam (PW2) and Reshamlal (PW3) being relatives of the deceased, have been examined in the Court and none of them has involved the present applicant, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that in the diary statement of the prosecution witnesses, it has been alleged that in the matter of demand of dowry, the applicant was also helping the husband and other accused of the case, therefore, the application may be rejected.
5. Taking into consideration the submission of learned counsel for the parties, and material and the case diary and charge-sheet, particularly, taking into consideration the submission that there are no specific allegation of appellant's involvement in the alleged commission of offence and further that he was residing separately, therefore, at this stage, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge