

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9850 of 2018

- Santosh Damade S/o Shri Radheshyam Damade Aged About 32 Years R/o Gadka Road Gadkari Nagar, Bhusawal, Thana- Bazar Path, District- Jalgaon, Maharashtra, At Present R/o Devrikhurd, Near Satbahania Mandir, Torwa, Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Torwa, Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Varun Sharma, Advocate.
For Respondent/State : Shri Alok Nigam, GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/02/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 392/2018, registered at Police Station – Torwa, District- Bilaspur (C.G.) for the offence punishable under Section 304 B/34 of the IPC.
2. In this case marriage of the deceased Priyanka Damade was solemnized with the applicant Santosh Damde in the year 2012, from their wedlock they have two children, allegedly, after marriage of the deceased, she was subjected to harass by the present applicant and his mother/co-accused namely Malti Damde for demand of dowry. On 02.09.2018, deceased committed suicide by hanging herself in her maternal house Bilaspur (C.G.). Merg was lodged by the present applicant. After merg enquiry, on the basis of statements of relatives of the deceased Priyanka Damde, offence has been registered. The applicant is in custody since 27.09.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. On the basis of evidence collected by the prosecution *prima facie* no case under Section 304 (B) of the IPC can be made out against the applicant. However, certain allegations have been made against him but, they are general allegations. He further submits that co-accused Malti Damde has already granted benefit of bail by this Court vide order dated 29.11.2018 passed in MCRC No. 8635/2018. The Applicant is in custody since 27.09.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that co-accused Malti Damde has already granted benefit of bail by this Court vide order dated 29.11.2018 passed in MCRC No. 8635/2018. The Applicant is in custody since 27.09.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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