

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 741 of 2020**

- Sindhu Ghosh S/o Late Salil Ghosh Aged About 43 Years R/o B-1/7, Lake View Apartment, Diamond Park, Next To Thakurpur, Kolkata-700120, Presently Residing At Alreef, Downtown, Flat No. 400, Abu Dhabi (U.A.E.) P. O. Box No. 35566

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Sunil Otwani, Advocate.
For Respondent/State	:	Mr. Anil Tripathi, PL
For Objector	:	Mr. Rajeev Shrivastava, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.02.2020**

1. Today, the case was listed for hearing on the application for grant of ad-interim bail but with the consent of both the parties, the matter is heard finally.
2. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 0423/2019 registered at Police Station – Civil Lines, Bilaspur (C.G.) for the offence punishable under Section 304-B of IPC.
3. The prosecution story, in brief, is that the father of the deceased lodged a written complaint before the concerned Police Station, according to which, the applicant is the husband of complainant's daughter (deceased) and after their marriage, both the applicant and the deceased were residing in Abu Dhabi, UAE. The

house in Abu Dhabi was in the name of deceased Priti Chadda and the applicant was forcing her to transfer the same in the name of Applicant. On 23.06.2019 at about 23.50 hours, applicant informed Rohit Madhik (son-in-law of complainant) that Priti Chaddha has committed suicide. The allegation against the present applicant is that the applicant used to harass her for demand of dowry. Based on that, after completion of investigation, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the marriage of the applicant and deceased took place in the month of March 2016, and after their marriage, everything was quite well with them but after passage of time the things began to change. The Applicant was working in an International Airlines. The deceased used to take out her office pressure on the applicant and blame him for different reasons every time. These differences slowly started creating a rift between them. He further submits that two days prior to the unfortunate incident of her death, the applicant was at Sharjah and during those two days, the deceased continuously kept on calling the applicant and started bickering with him on trivial issues. On the next day when applicant was returning to his house in Abu Dhabi from Sharjah, he received a message from the deceased's office that she has not reported at office for her work, on that the applicant rushed to his house and found that the house was locked from inside. On unlocking the door, in the presence of police, they found the deceased lying inside. The police took the deceased to the hospital where she was declared dead and as per autopsy report, the cause of the unfortunate demise was a cardiac arrest. There is no material available against the applicant under Section

304-B, 498 and even 306 of IPC and in support of this fact applicant filed some screenshots of their mobile chats which shows that the relation between applicant and deceased were getting sour and they mutually decided that they will end this relation. Since they both jointly purchased the house in Abu Dhabi in the name of deceased, she proposed that she will give money of house which applicant contributed and if she won't be able to give money, she will include name of the applicant in said property. Only this was the context in which deceased asked for money from her relatives as loan but the prosecution is trying to portray it as applicant was demanding money as dowry. In support of his submission, learned counsel for the applicant placed reliance on the decisions of Supreme Court in the matter of Satvir Singh & Ors. v. State of Punjab & Ors. reported in [(2001) 8 SCC 633] and Appasaheb & Another V. State of Maharashtra reported in [(2007) 9 SCC 721]. Learned counsel for the applicant also submits that the applicant is in jail since 10.01.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

5. Per contra, learned State counsel and counsel for the Objector opposed the bail application and submitted that deceased was working as a Human Resource Manager in an entity called CMS Global in Dubai. After their marriage, the applicant was using her ATM card and credit card and when deceased disinclined to give her ATM card, applicant used to beat, harass her both mentally and physically in the state of intoxication and deceased used to sent the information of incident to her

brother-in-law through Whatsapp. Furthermore, the statements of the father, sister and brother-in-law have been recorded and they have categorically stated that the applicant used to harass the deceased for demand of dowry and for that purpose deceased asked for a sum of Rs. 30,00,000/- from his brother-in-law. Therefore, looking to the nature and gravity of the offence, the applicant may not be granted bail.

6. I have heard learned counsel for the parties and perused the case diary.
7. Copy of chatting between the deceased and applicant has been filed along with the bail application and this chatting shows that the relation between the applicant and deceased were not harmonious. Taking into consideration the totality of the facts and circumstances of the case, in particular the post mortem report of deceased of Dubai, and further considering the detention period of the applicant, as the trial is likely to take some time for its final disposal, I am of the view that the applicant is entitled to an order of bail. Accordingly, the application is allowed.
8. In the light of what is stated above, the applicant is ordered to be released on bail on his executing a personal bond for a sum of Rs. 10,00,000/- with two local sureties in the like sum to the satisfaction of the concerned Magistrate/ trial Court for his appearance before the said court as and when directed on the following condition:-

- The applicant 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 to disclose such facts to the Court or to any other authority.
- The applicant shall remain present before the concerned Magistrate/trial Judge on the date fixed for hearing of the case, for any reason due to unavoidable circumstances for remaining absent he has to give intimation to the concerned Court and make a proper application that he may be permitted to be present through counsel.
- The passport, which was deposited by the applicant before the prosecution agency shall remain in the custody of the prosecution agency and the applicant shall not leave the country without specific orders to be passed by the learned Remand Magistrate/learned Trial Judge.
- Applicant shall furnish his permanent address of India, contact number and his property details to the concerned Remand Magistrate/ learned Trial Judge.
- The trial Court is also at liberty to impose further conditions as it deem fit.

**Sd/-
(Rajani Dubey)
Judge**