

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 535 of 2020**

1. Sushanto @ Prasanjit Das, aged about 27 years S/o Parimal Das R/o Plot No. 103, Shivshakti Apartment, Ranjan Nagar, Valsad, Gujraat
2. Parimal Das, aged about 55 years S/o Late Haricharan Das,
3. Smt. Urmilla Das, aged about 47 years S/o Parimal Das,
4. Prashanto Das, aged about 30 years S/o Parimal Das,
Applicants 2 to 4 are R/o Bhuvneshwar 35 D Krishna Garden Khandgiri, Bhuneshwar, Kurda Orissa
5. Paritosh Das (Paritosh Chandra Das), aged about 45 years S/o Late Haricharan Das R/o Block No. O, First Floor, Q. No. 103, Arya Empire, Atladra Bill Road, Atladra, Vadodara Gujrat (C.G.).

---- Applicants**Versus**

State of Chhattisgarh through Police Station Charama, Distt. U.B. Kanker (C.G.).

---- Respondent

For Applicants	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order**22/06/2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 44/2020 registered at police station Charama (C.G.) for the offence punishable under Sections 304 -B/34 of the Indian Penal Code.
3. In this case, applicant No. 1 is husband of Deceased Deepali.

Applicant No. 2 & 3 are father-in-law and mother-in-law of the Deceased, respectively. Applicants No. 4 & 5 are brother-in-law of the Deceased. The marriage between applicant No. 1 and the Deceased was solemnized on 26/06/2019. On 08/10/2019, the Deceased committed suicide by consuming some poisonous substance in her paternal house. It is alleged that after the marriage, the applicants had tortured the Deceased for demand of dowry of Rs. 10 lakhs. Soon before her death also, the Deceased was tortured for demand of dowry and therefore, she had committed suicide.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated. Virtually the marriage between the Deceased and applicant No. 1 was love marriage. After the marriage, both have resided at the work place of applicant No. 1 at Valsad, Gujrat. He further submits that since 28/09/2019, the Deceased was residing in her paternal house. On 05/10/2019, the Applicant after leaving his wife to her paternal house had returned from there. Since the family members of the Deceased were not happy from their marriage and their behavior was not cordial with the Deceased, therefore, she had committed suicide. He further submits that applicants Nos. 2 to 5 are residing separately at Orissa and the Deceased had never resided with them at Orissa, therefore, applicants No. 2 to 5 have been falsely implicated in the present case after the death of the Deceased. With regard to applicant No. 1, it is submitted that there is no evidence on record on the basis of which, prima-faice offence under Section 304-B of the IPC can be made out against him, therefore, he prays to extend the benefit of anticipatory

bail to all the applicants.

5. Referring the statement recorded under Section 161 of the Cr.P.C of Diwakar, cousin brother of the Deceased learned counsel for the State submits that according to the oral dying declaration of the Deceased which was made before Diwakar, prima-facie offence under Section 304-B is made out against the applicants, therefore, the application may be rejected.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly after going through the statement recorded under Section 161 of the Cr.P.C of witness Diwakar, this application on behalf of applicants Nos. 2 to 5 are acceptable, therefore, without further commenting on other merit of the case, I am inclined to extend the benefits of anticipatory bail to applicant Nos. 2 to 5.
8. Accordingly, the anticipatory bail application filed on behalf of applicant No. 2 -Parimal Das, applicant No. 3- Smt. Urmila Das, applicant No. 4 -Prashanto Das and applicant No.5 -Paritosh Das is allowed.
9. It is directed that in the event of arrest, applicants 2 to 5, they shall be released on bail on their furnishing a bond in the sum of Rs.10,000/- with one surety each 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 make 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.

10. With regard to applicant No. 1 Sushanto @ Prasanjit, after considering the facts and circumstances of the case, I do not find present to be a fit case to extend the benefit of anticipatory bail to him, therefore, this bail application on behalf of applicant No. 1 is dismissed.
11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge