

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4531 of 2020**

- Kuldeep Malekar S/o Amol Singh Malekar, aged about 25 years, R/o Ward No.5, Daundi Lohara, District Balod (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station - Daundi Lohara, District Balod Chhattisgarh.

---- Respondent

For Applicant	:	Shri Hemant Kumar Agrawal, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.88/2020, registered at Police Station - Daundi Lohara, District Balod (C.G.) for the offence punishable under Sections 302, 304 (B), 34 IPC and Section 4 of the Dowry Prohibition Act 1961 (wrongly mentioned sections 302, 304B, 34 of the IPC in the bail order dated 29.06.2020).
2. The allegation against the present applicant is that he along with his parents demanded dowry from deceased Smt. Maleshwari Malekar (wife of the present applicant) and when she could not fulfill the illegal demand of the applicant, they killed her. Based on this, the offence has been registered. The present applicant has been taken into custody on 21.03.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant did not raise any demand

of dowry and the deceased died of natural death. He also submits that the postmortem examination was done by a team of Doctors, and according to the medical report, no external and internal injury was found on the body of the deceased. That apart, no definite opinion regarding caused of death was given, and it is mentioned in the report that death may be due to any sudden illness. He further submits that co-accused persons (father and mother of the applicant) have already been granted bail by the trial Court. It is also submitted that the applicant is in custody since 21.03.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that on 10.05.2019 the marriage of deceased was solemnized with the applicant and she died on 30.08.2019 i.e. after three months of her marriage. He also submits that memorandum of the applicant was recorded in which he has stated that he has committed murder of his wife by strangulating her neck by scarf and prior to death he had also seen videos on you tube that how to kill a person. He also submits that on the memorandum of the present applicant, one scarf has also been seized from the applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence in particular the postmortem report of the deceased which was prepared by a team of doctors in which no external and internal injury was found on the body of deceased and further considering the fact that the preset applicant is in custody since 21.03.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on his 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde