

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7061 of 2020**

Jagat Yadav S/o Late Hari Yadav Aged About 54 Years
 R/o. Mahavir Ganj Out Post - Vijaynagar, Police Station -
 Ramanujganj, Distt. Balrampur-Ramanujganj
 (Chhattisgarh)

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer,
 Police Station- Ramanujganj, Distt. Balrampur-
 Ramanujganj (Chhattisgarh)

---- Non-applicant

 For Applicant : Smt. Indira Tripathi, Advocate

For Non-applicant/State : Shri Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****15.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 04.09.2020 in connection with Crime No.136 of 2019 registered at Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh for commission of the offence punishable under Sections 304-B and 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the marriage of the deceased was solemnized with son of the present applicant in the year 2017. After one year of marriage, deceased was subjected to cruelty and harassment by her husband and

other family members for dowry, as a result of which, she committed suicide by hanging on 24.07.2017. The aforementioned offence was registered against the present applicant along with other four family members.

3. Smt. Indira Tripathi, learned counsel for the applicant submits that allegation levelled against the family members and present applicant is false and frivolous. General allegations have been levelled against all the family members. Even the allegations of causing injury levelled in the First Information Report have not been found in the postmortem report. She further submits that other family members except this applicant have been enlarged on bail by Co-ordinate Bench of this Court. Mother-in-law and sister-in-law have been granted anticipatory bail by Co-ordinate Bench of this Court and husband of deceased has been enlarged on regular bail. The case of the applicant also stands on similar footing and prays for similar relief of enlarging the present applicant on bail.
4. On the other hand, Shri Siddharth Dubey, learned State Counsel opposes the prayer for grant of bail and submits that the deceased was subjected to cruelty immediately after her marriage. There was allegation of harassment and treating the deceased with cruelty.
5. I have heard learned counsel for the parties.

6. Considering the nature of allegation and totality of facts and circumstances of the case and further considering Annexure A/2, which is an order passed in bail application filed by husband of deceased as MCRC No.328 of 2020 dated 28.02.2020, I am inclined to release applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge