

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4962 of 2019**

Bhuneshwar, S/o Shri Panchram Chaturvedi, Aged about 22 years, R/o Near
Shaktimai Chowk Mandir, City Kotwali Mungeli Distt. Mungeli (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through :- SHO City Kotwali Mungeli, Distt. Mungeli (C.G.)

----Non-applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.
For Non-applicant/State : Ms. Akshra Amit, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****11/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 317/2019 registered at police Station City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 304(B) / 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of deceased Pameshwari Bai was solemnized with the applicant prior to three years of the date of incident i.e. 8.5.2019 and out of their wedlock one female child was born. When on 8.5.2019, deceased Pameshwari Bai was feeding her child at home, at that time, her father-in-law namely Panchram was keeping evil eye on her and had tried to catch her for sexual exploitation. The said incident was narrated by deceased to her husband (present applicant), as a consequence, her husband committed *mar-peet* with her in connection with demand of dowry, by which, deceased committed suicide by consuming poisonous substance and thereby committed

the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as there is no evidence available on record to connect the applicant with the crime in question. He further submit applicant is in detention 10.05.2019; charge sheet has already been filed and similarly situated co-accused namely Panchram Chaturvedi (father of the applicant) has already been granted bail by this Court in M.Cr.C. No. 3528 of 2019 vide order dated 18.06.2019 and, therefore, the applicant may also be released on bail on the ground of parity.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; particularly the facts applicant is in detention since 10.05.2019; charge sheet has already been filed; and the similarly situated co-accused namely Panchram has already been granted bail by this Court vide order dated 18-6-2019 in M.Cr.C. No. 3528 of 2019; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

