

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7463 of 2019**

- Sukhdev, son of Guharam, aged about 52 years, resident of Mulmulla, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Mulmulla, District Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Shri Sumit Singh, Adv.
For Respondent	:	Shri Vinod Tekam, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/01/2020**

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.18/2019, registered at Police Station - Mulmulla, District Janjgir-Champa, (C.G.) for the offence punishable under Section 304-B IPC.
2. The prosecution story, in brief, is that on 25.04.2012, the marriage of deceased Seema Tandow was solemnized with co-accused Nitesh Kumar Tandon. The present applicant, who is the father-in-law of deceased, used to harass the her for bringing less dowry as a result of which she committed suicide on 10.10.2018. Based on this, offence has been registered. The present applicant has been taken into custody on 23.11.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there is delay of about 51 days in lodged the FIR and the said delay has not been explained by the

prosecution, which creates serious doubt on the case of prosecution. The delay itself goes to show that there were no complaints against the applicant after the incident. He also submits that four witnesses to the incident have turned hostile. It is next submitted that the applicant is in custody since 23.11.2018 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. He submits that the applicant and other members of the family were harassing and committing maarpeet with the deceased on account of dowry and due to this, the deceased has committed suicide.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that general allegations have been raised, the applicant is in custody since 23.11.2018 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge