

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 943 of 2021**

Rahul Kumar Dewangan, S/o late Narayan Dewangan, aged about 35 years, Resident of Vijay Nagar, Ward No. 43 Torva, Tehsil and District Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through, P.S. Torva, District – Bilaspur (C.G.)

----Non-applicant

For Applicant	:	Mr. T.K. Jha, Advocate.
For Non-applicant	:	Mr. Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****30.06.2021**

(1) Proceedings of the matter have been taken-up through Video Conferencing.

(2) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 287/2020 registered at police Station Torva, Tehsil & District Bilaspur (C.G.) for commission of offence punishable under Section 304-B read with Section 34 of the Indian Penal Code.

(3) Case of the prosecution, in nutshell, is that marriage of deceased- Uma Dewangan was solemnized with applicant/accused about 9 months before the

incident. Deceased – Uma Dewangan was subjected to cruelty in connection with demand of dowry by the applicant/accused and his mother and due to cruelty and harassment meted out by the applicant/accused and his mother, deceased committed suicide on 17.9.2020. On the next day, FIR was registered against the applicant under Section 304-B of the IPC, and on the same day, father of deceased -Uma dewangan also filed written complaint at police station mentioning therein that due to cruelty and harassment meted out by the applicant/accused in connection with demand of dowry, his daughter (Uma Dewangan) has committed suicide on 17.9.2020.

(4) Learned counsel appearing for the applicant/accused would submit that deceased – Uma Dewangan was mentally ill and she was suffering from depression, due to which she has committed suicide. He would further submit that the applicant has been falsely implicated in the crime in question as they have never demanded dowry and never tortured her for any such demand, and further similarly situated co-accused i.e. mother of the applicant namely Ram Payari Dewangan has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 26.3.2021 passed in M.Cr.C. (A) No. 1632 of 2020. He further submits that accused/applicant is in detention since 19.9.2020, charge sheet has already been filed and no custodial interrogation is required, therefore, applicant may be released on regular bail.

(5) Per contra, learned counsel for the State while opposing the bail application would submit that due to cruel treatment and misbehaviour in

connection with demand of dowry, deceased has committed suicide within 9 months of her marriage, therefore, the bail application filed by the applicant/accused is liable to be dismissed.

(6) I have heard learned counsel for the respective parties and perused the documents available in the case diary.

(7) Looking to the totality of the case, statements of the relatives of the deceased, particularly, the statement of her sister namely Kajal Dewangan, in which, she has clearly stated that deceased – Uma Dewangan was facing depression problem; also looking to the fact that the applicant is in detention since 19.9.2020 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one 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/-

(N.K. Chandravanshi)
Judge

D/-

