NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1191 of 2021

Rakesh Das S/o Shri Kulmani Das, Aged About 22 Years, By Caste Brahman, R/o Village Chattigirola, Police Station Sarayapali, District- Mahasamund. Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station- Sarayapali, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Sunil Sahu, Advocate
For Non-applicant/State : Shri Shrikant Kaushik, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05.07.2021

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 11.09.2020 in connection with Crime No.318 of 2020 registered at Police Station Sarayapali District Mahasamund (C.G.) for commission of the offence punishable under Sections 304-B/34 of Indian Penal Code.

2. Case of the prosecution is that, the deceased Rani Das was married with present applicant on 07.07.2019. After couple of months, applicant along with his parents started ill-treating her on the ground of dowry, due to ill-treatment, she

committed suicide by hanging on 01.09.2020 in her matrimonial house. After merg inquiry, First Information Report was registered on 09.09.2020 and the present applicant along with Kulmani Das, father-in-law and Smt. Sewati Das (mother-in-law) were arrested in the instant crime.

3. Shri Sunil Sahu, learned counsel for the applicant submits that from the inception of the diary, the deceased herself was not working. He further submits that prior to her marriage, deceased eloped with someone and therefore, mother of deceased has lodged missing report with the concerned police station. After return of the deceased, she was married with present applicant against her will and this was the reason that the deceased was not happy and have committed suicide. He also submits that the allegations are bald and omnibus, other co-accused persons Kulmani Das and Smt. Sewati Das have been enlarged on bail by this Court vide order dated 06.01.2021 in MCRC No.6706 of 2020 and submits that case of the present applicant is also on the same footing.

4. Shri Shrikant Kaushik, learned Panel Lawyer representing the State while opposing the submissions made by learned counsel for the applicant submits that there was specific allegation against the present applicant of ill-treatment and

harassment to deceased for dowry. He further pointed out that the mother, brother and one independent witness, namely, Nanku Chauhan who is neighbour of maternal uncle Kishore Das have stated that from the amount of compensation received on account of death of father of deceased on demand Rs.2 Lacs have been handed over to the present applicant and he was further making demand of Rs.1 Lac towards share of deceased. He further submits that as the applicant was present and has taken Rs.2 Lacs from the mother of deceased in presence of Kishore Das and Nanku Chauhan, the case of present applicant lies on different footing, hence, present applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations, the statement of Kusum Das, Shubham Das, Nanku Chauhan where they have stated that on the demand, Rs.2 Lacs have been handed over to the present applicant and he was further making demand of Rs.1 Lac, I am not inclined to enlarge the present applicant on bail. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh