

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5036 of 2021**

- Rupesh Sahu @ Golu Sahu @ Chhotu Sahu S/o Manharan Sahu Aged About 26 Years R/o Village Mehnda, Police Station Pamgarh, District Janjgir Champa Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through S.H.O. , Police Station , Pamgarh, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Ravindra Sharma, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**
Order On Board**06/08/2021**

1. The applicant has preferred this **second** bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.397/2020 registered in Police Station Pamgarh, Dist. Janjgir-Champa C.G. for the offence punishable under Sections 304 (B) of the I.P.C.
2. Earlier, the first bail application was dismissed with liberty to

the applicant to repeat the prayer after examination of parents of the deceased.

3. It is stated that mother of deceased has already expired after recording her statement under Section 161 Cr.P.C. and before her statement can be recorded before the trial Court. Father of deceased has already been examined before the trial Court.
4. Marriage of deceased with the applicant had taken place on 22.5.2020. She committed suicide by hanging in her matrimonial house on 20.9.2020.
5. During investigation parents and uncle of the deceased made allegation that applicant was demanding motor cycle in dowry and was in habit of consuming liquor, however, when examined in Court Kapilnath Sahu, father of deceased has made general statement that applicant was demanding dowry without specifying as to what article or amount was demanded. He says that there was no demand from applicant at the time of marriage.
6. At this stage learned counsel for the applicant informs that natural mother of deceased has died and witness Suruti Sahu, is her step mother being a second wife of Kapilnath Sahu. Suruti Sahu has not yet been examined before the trial Court. He would draw attention of the Court to the

statement of Lakshminath Sahu, uncle of deceased, whose diary statement has been referred by learned State counsel. Lakshminath Sahu has turned hostile and has narrated the details of the relationship between the applicant and deceased after marriage and one incident where the deceased has left her matrimonial house to elope with some other boy.

7. Considering that the applicant is in jail since 23.9.2020 i.e., for about 11 months and material witnesses have been examined before the trial Court, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi