

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5697 of 2021**

Arvind Yadav S/o Rajaram Yadav Aged About 32 Years R/o BEST
Chawl No. 2, Room No. 02, Konkan Nagar Chembur, Mumbai MH

---- Applicant

Versus

State Of Chhattisgarh through the Station House Officer, Police Station
Chakarbhatta, District Bilaspur CG

---- Non-applicant

For applicant	Mr. Shashank Thakur, Adv.
For non-applicant/State	Mr. B.P. Banjare, Dy. Govt. Adv.
For objector	Mr. Arvind Shrivastava, Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****15-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 42/2021 registered in police station Chakarbhatta, Distt. Bilaspur, (CG) for offence punishable under Section 304-B read with Section 34 of the Indian Penal Code.
3. Brief facts of the case are that marriage of applicant was solemnized with Jyoti Yadav (since deceased) on 4-2-2020. Till six months after marriage, due to lock-down and other reasons, deceased Jyoti Yadav lived at her parental home. In the month of August, 2020, the applicant brought her at Bilaspur, his work place, and they were residing in government accommodation G-10/6, High Court Residential Premises, Chakarbhatta, Bilaspur. As per prosecution case, the applicant and other co-accused persons persistently harassed her for demand of 4 wheeler / Car as dowry, therefore, having been fed up with physical and mental harassment meted out to her by the applicant and his family members, Jyoti Yadav committed suicide by hanging herself in the intervening night of 5th and 6th of February, 2021 at the government accommodation of the applicant. On the report being lodged by the applicant, merger intimation was registered at PS Chakarbhatta, Distt. Bilaspur. Subsequently FIR under Section

304-B, 34 of the IPC was registered against the applicant and his family members and after investigation, charge sheet has been filed for the aforesaid offences against them.

4. Learned counsel for the applicant argued that the applicant has been falsely implicated in this case. He has not committed any ill-treatment with Jyoti Yadav. Neither they have demanded a 4 wheeler/ car nor anything from her or her parents. He next argued that when Jyoti Yadav was residing with the applicant, she used to continuously talk to some one else, but she did not disclose to the applicant as to with whom she used to talk. She was not happy as she was engaged with some other person before marriage. He also argued that brother of Jyoti Yadav has withdrawn some amount from account of the applicant and when he asked regarding this to her, she got very angry and quarreled with the applicant. He submitted that father, mother and sister of the applicant have been granted anticipatory bail by the coordinate bench vide order dated 25-6-2021 passed in MCRCA No. 579/2021. The case of the prosecution is based on false and concocted story, charge sheet has been filed, the applicant is in jail since 22-7-2021. Hence, the applicant may be enlarged on bail.
5. On the other hand, the State Counsel duly assisted by counsel for the objector, opposed the bail application and submitted that it is a case of dowry death. Applicant and his family members had taken Rs. 11 lacs from father of the deceased, some amount as cash and some amount through bank, which was deposited in the account of relatives of applicant i.e. his father and sister. Apart from this, fridge, washing machine, utensils and jewelry of gold and silver was also given at the time of marriage. Despite that, applicant and other co-accused persons used to torture the deceased for demand of 4 wheeler /car and when she could not bear the torture meted out by the applicant and other co-accused persons, she committed suicide by hanging herself. Hence, the applicant is not entitled to be enlarged on bail.
6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. Marriage of applicant and deceased was solemnized on 4-2-2020 and Jyoti Yadav committed suicide in intervening night of 5th and 6th of February, 2021. As per statement of her father Balram Yadav, brother Avesh Kumar Yadav and Harish Chandra Yadav, recorded under Section 161 of the Cr.P.C., she was subjected to physical and mental

harassment for demand of 4 wheeler / car from her as dowry. Harish Chandra Yadav is the person / middleman who arranged their marriage and as per his statement, he is relative of father of the applicant. He has also stated that father of the deceased had told him about demand of car by the applicant and when he met with the applicant, then also the applicant had stated that he wants car.

8. Considering the facts and circumstances of the case, nature and gravity of the offence and statements recorded under Section 161 of the aforesaid witnesses, I do not feel inclined to grant bail to the applicant. Hence, the instant bail application under Section 439 of the Cr.P.C. is rejected.

Sd/-
(N.K. Chandravanshi)
Judge