

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7701 of 2021

Mandev S/o Mohan Yadav, Aged About 39 Years R/o Village - Bhodana, Police Station - Shankargarh District - Balrampur - Ramanujganj Chhattisgarh (Father Name Is Wrongly Mentioned In Impugned Order), District : Balrampur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Shankargarh District - Balrampur - Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Non-applicant : Ms. Akshra Amit, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

02/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.81/2021 registered at Police Station- Shankargarh, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 read with Section 34 IPC.
2. Case of prosecution is that deceased- Sukhvariya was married with applicant in the year 2010. On 20.9.2020, Sukhvariya went out of her house, when she did not return back, family members searched for her. Her dead body was found on the next day lying in a well in

the field of one Andhu Pahadi. Panchanama was prepared and morgue was reported to the concerned police station. Premasagar, brother of the deceased, lodged report on 20.6.2021 making allegation that his sister was being harassed, ill-treated on account of not bringing motorcycle in dowry and also that she is having no male child. Based on the report, first information report was registered for the offence as mentioned above against applicant (husband), Surajnath, brother-in-law and Tilkhi Bai, mother-in-law. The applicant was arrested on 24.6.2021.

3. Shri A.K. Yadav, learned counsel for the applicant would submit that on the date of incident i.e. 20.9.2020, due to some trivial dispute, there was exchange of words between the applicant and deceased, thereafter she left matrimonial home in the evening and did not return back. The allegation of harassment, ill-treatment on account of demand of dowry or not having a male child is absolutely false and baseless. This allegation has been levelled only after nine months of the date of incident. During morgue inquiry, no allegations have been levelled against the applicant or his family members. Statement of witnesses were recorded on 23.9.2020 and 25.9.2020 immediately after the incident, but there was no such allegations against the applicant or any of his family members. Applicant is in jail since 24.6.2021. Other two accused persons have already been enlarged on bail, hence, applicant may also be released on bail.
4. Ms. Akshra Amit, learned counsel for the State opposes the submissions of learned counsel for the applicant and submits that in the complaint lodged by brother of the deceased, serious allegations

have been levelled against the applicant and other family members, of harassment, ill-treatment for demand of dowry as also the deceased was not having male child. She also referred to statement of Asmati Yadav, co-sister of the deceased who is also a maternal sister of the deceased and submits that she in her statement levelled allegations similar to the allegations levelled by brother of the deceased. However, upon putting a query with regard to statement if any recorded by police during morgue inquiry, she referred to statement of Aasmati recorded on 23.9.2020 and read over the same. She submits that looking to the nature of material available in the case diary, the applicant being husband is not entitled to grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, marriage of the deceased in 2010, statement of Aasmati recorded during morgue inquiry on 23.9.2020, wherein there is no allegation of ill-treatment, harassment for demand of dowry or on account of not having male child, pre-trial detention of the applicant, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-

- a) Applicant shall appear before the trial Court regularly on

each and every date, unless exempted from appearance.

b) The applicant shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge