

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 19 of 2021**

- Mahendra Dwivedi, S/o Ramadhar Dwivedi, aged about 39 Years, Present Address Dhanlaxminagar, Bhanpuri, Police Station Khamtarai, District Raipur (Chhattisgarh). Permanent Address- Village Bhaishai, Police Station Shahpur, District Riwa (Madhya Pradesh) Mob.No. 07470557591.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh.

----Non-applicant

For Applicant	Shri Awadh Tripathi, Advocate.
For State	Shri B.L. Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/02/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.497/2019 registered at Police Station – Khamtarai, District Raipur, C.G. for the offence punishable under Section 306/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 13.07.2019, Anita Dwivedi, wife of the applicant, committed suicide by hanging at the rented house where she was living with the applicant. During investigation, statements of the witnesses were recorded wherein they disclosed that the deceased was being subjected to cruelty and harassment by the applicant and his family members in

connection with demand of dowry as a result of which she committed suicide.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the marriage of the deceased was solemnized about 14 years prior to the date of incident, no injury was found on the body of the deceased, there was no harassment or ill-treatment by the applicant or his family members for demand of dowry, the applicant is in jail since 07.12.2020, charge sheet has already been filed and there is every likelihood that the conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicant, the fact that the marriage of the deceased with the applicant was solemnized about 14 years prior to the date of incident, no bodily injury was found on the person of the deceased, three children were born out of their wedlock, charge sheet has already been filed and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the

satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh