

(2019) 08 CHH CK 0149

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 5073 Of 2019

Durgesh Vishwakarma @ Sonu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 22-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 304B

Citation : (2019) 08 CHH CK 0149

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Dharmesh Shrivastava, K.K. Singh

Final Decision : Allowed

Judgement

Prashant Kumar Mishra, J

1. This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with MCRC No. 5073 of 2019 Crime No.900 of 2018, registered at Police Station Kotwali, Out Post- Manikpur, District - Korba (CG) for the offence punishable under Sections 304-B, 34 of I.P.C.

2. The applicant was in love with the deceased and subsequently they eloped and performed marriage which was opposed by his parents. The applicant and the deceased were residing separately from his parents. It is alleged that applicant's parents i.e. the mother-in-law and father-in-law of the deceased were demanding Rs.2 Lacs from her or from her mother to allow the applicant and the deceased to reside with them. The said demand has not been referred as demand of dowry in the statement of witnesses. The parents of the applicant were allowed bail by this Court vide order dated 18.06.2019 in MCRC No.2875 of 2019 with observation that whether or not the subject demand would constitute dowry shall be examined by the trial Court and that the same appears to be a

debatable issue.

3. On the date of incident the applicant allegedly denied permission to the deceased to visit her parental house to celebrate Rakshabandhan Festival. This appears to be immediate cause of commission of suicide by the deceased.

4. Considering the entire fact situation of the case and for the MCRC No. 5073 of 2019 reason that the applicant is in jail since 10.11.2018, I am inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- 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.