



2024:CGHC:28383
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4987 of 2024

1. Gufran Raza S/o Late Roshan Ali Noori Aged About 35 Years R/o Opposite Tamanna General Stores, Shiv Nagar, Santoshi Nagar, P.S. Tikrapara, District Raipur, Chhattisgarh

... Applicant

versus

1. State Of Chhattisgarh Through Station House Officer (S.H.O.) Police Station- Tikrapara, District Raipur, Chhattisgarh

... Respondents

For Applicant : Mr. Devershi Thakur, Advocate

For Respondent : Mr. Ajay Pandey, G.A.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

31/07/2024

1. Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he has been arrested in connection with Crime No.21 of 2024, registered at Police Station – Tikrapara, District – Raipur (C.G.) for offence punishable under Section 304(B)/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 2.11.2023 Rukhsar

Begum committed suicide by hanging herself in her matrimonial home. Merg was reported in the concerned police-station and after merg enquiry, aforementioned crime was registered against applicant (husband), mother-in-law (Naseem @ shahzadil Begum) and brother- in-law (Rehan Raza) of deceased. Applicant was arrested on 6.1.2024.

3. Learned counsel for applicant would submit that the applicant has been falsely implicated in instant crime. He has not committed any offence as alleged. There was no harassment at any point of time with regard of demand of any dowry. There were some petty disputes between applicant-husband and wife for which also deceased Rukhsar Begum has made complaint to the Sakhi One Stop Centre alleging that applicant used to assault her in intoxicated condition. During conciliation proceedings, no specific allegation with regard to demand of dowry is made and only general allegations are made by mother of the deceased, which is afterthought in order to implicate all the family members. He also submits that the deceased herself has obtained loan of Rs.34,000/- from the Mahila Samiti for purchasing e-rickshaw to earn livelihood for herself. The deceased has taken the extreme steps of committing suicide by hanging due to trivial dispute in the family. It is also contended that other co-accused persons namely Naseem @ Shahzadil Begum and Rehan Raza have been enlarged on bail by this Court vide order dated 23.04.2024

and 01.05.2024 in M.Cr.C. No.2545 of 2024 and M.Cr.C. No. 2798 of 2024 respectively. Applicant is in jail since 06.01.2024, hence, he may also be enlarged on bail.

4. Learned counsel for State opposes submissions made by learned Senior Counsel for applicant and submits that there are allegations in the statement of the mother of deceased recorded under Section 161 CrPC that applicant along with other two co-accused persons used to harass and ill-treat the deceased for demand of dowry. However, he does not dispute the submission of learned counsel for applicant that one report is lodged by deceased in the year 2019 before the Sakhi One-Stop Centre making allegation against her husband of ill-treatment and quarreling with her in intoxicated condition. He read over statement of one Tarranum Nisha to submit that deceased made complaint of her ill-treatment by her in-laws.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, submission of learned counsel for respective parties based on the conciliation proceedings initiated at Sakhi One Stop Center in the year 2019 and also the statement of Tarranum Nisha and the fact that other co-accused persons namely Naseem @ Shahzadil Begum and Rehan Raza have been enlarged on bail by this Court vide order dated

23.04.2024 and 01.05.2024 in M.Cr.C. No.2545 of 2024 and M.Cr.C. No. 2798 of 2024 respectively, without commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. 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 local surety in the like sum to the satisfaction of the Court below on the conditions that:-
 - a). Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - (b). 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