

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2900 OF 2015**

1. Rajendra Sona S/o Kailash Sona aged about 23 years
2. Smt. Shanti Sona W/o Kailash Sona aged about 45 years, both the resident of Servant Qr. No. 19, 32 Bunglow, Bhilai, Distt. Durg (Chhattisgarh).

---Applicants**Versus**

State of Chhattisgarh through, District Magistrate, Durg

---Non-applicant

For Applicants	:	Mr. Aman Kesharwani, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/06/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 360/2014, registered at Police Station Mohan Nagar, Durg, for the offence punishable under Section 304-B/34 of I.P.C.

2. Case of the prosecution, in brief, is that marriage of deceased Sangeeta Sona was solemnized with the applicant No. 1-Rajendra Sona on 01/04/2012 and soon after the marriage, applicants started harassing her and treated her with cruelty on account of demand of dowry and she died out of burn injury on 04/06/2014.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and they have been falsely implicated, which is apparent from the dying declaration of deceased recorded before the

Additional Tahsildar on 23/05/2014 stating that she has suffered burn injury accidentally by stove. He would further submit that applicant No. 2 is mother-in-law of deceased, aged about 45 years. He would lastly submit that charge sheet has been filed and applicants are in jail since 09/04/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that in the dying declaration recorded on 23/05/2014, deceased has stated that she has suffered burn injury accidentally by stove.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; dying declaration of the deceased; charge sheet has already been filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Rajendra Sona and Smt. Shanti Sona shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari