

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3078 OF 2015**

1. Narayan S/o Jagdishprasad, aged 24 years

2. Budhwarabai W/o Jagdishprasad, aged 55 years

Both are by Caste Satnami Occupation Labour, R/o village Indara
 Awas Beladula, P.S. & Tahasil Jaijaipur, District Janjgir-Champa (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Police Station, Jaijaipur, District Janjgir-
 Champa (C.G.)

---Non-applicant

For Applicants	:	Mr. Ishwar Jaiswal, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/07/2015**

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. 92/2015, registered at Police Station Jaijaipur, District Janjgir-Champa (C.G.), for the offence punishable under Sections 306, 498/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, marriage of deceased Yashoda Bai was solemnized with the applicant No.1-Narayan three years prior to the date of offence i.e. 05/02/2015 and immediately after marriage, applicants and other co-accused persons started harassing her and treated her with cruelty in connection with demand of dowry and out of humiliation and frustration, she committed suicide on 05/02/2015.

3. Learned counsel for the applicants would submit that applicant No.

1 is husband of deceased and applicant No. 2 is mother-in-law of deceased. He would further submit that they have not committed any offence and have been falsely implicated in the case. He would further submit that in the dying declaration given by the deceased on 05/02/2015, she has not implicated the applicants and they are in jail since 08/05/2015. He would further submit that father-in-law and brother-in-law of the deceased have already been enlarged on bail by this Court on 17/06/2015 in M.Cr.C. No.2709/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that deceased is said to have died after three years of the marriage.

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; material collected by the prosecution against the husband/applicant No.1-Narayan and the fact that deceased is said to have been died after three years of the marriage, I am not inclined to release the applicant No.1 on regular bail. Consequently, bail application filed on behalf of applicant No.1- Narayan is rejected.

7. So far as the bail application filed on behalf of applicant No.2/mother-in-law of deceased is concerned, taking into consideration the extent of proximity and nexus between the conduct and behaviour of accused person with suicide committed by the deceased and further the fact that charge sheet has already been filed and pretrial detention of applicant No. 2, this Court is of the opinion that present is the fit case, in which, the applicant

No.2 should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. on behalf of applicant No. 2-Budhwarabai is allowed.

9. It is directed that applicant No.2-Budhwarabai shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari