

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3326 of 2015

Bhumisuta Harpal W/o Shri Suresh Bihari Harpal, Aged About 60 years R/o Umda Road, Bhilai, Civil and Revenue District- Durg, Chhattisgarh, Pin- 490024.

---- Petitioner

Versus

State Of Chhattisgarh Through: Station House Officer, Police
Station Bhilai-3, District- Durg, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondent/State:		Shri Manish Nigam, Panel Lawyer

Order On Board

29/07/2015

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.463/2013 registered at Police Station Bhilai 3, District Durg for the offence punishable under Section 304-B/34 of IPC. The applicant has been arrested on 26-06-2014.

3. This is third bail application.

4. Learned counsel for the applicant submits that earlier two applications were filed, but both of them were withdrawn with liberty to revive, in case of delay in trial. Learned counsel for the applicant submits that the applicant has remained in jail for more than one year as she was arrested on 26-06-2014. The trial has been unduly delayed as till date, not a single witness has been examined. According to him, the allegation against the applicant is relating to grievance other than demand of dowry and allegations of demand of dowry are against the

husband, the other co-accused. The applicant is aged 60 years and this may be considered at this stage for grant of bail as the applicant is not likely to tamper with the prosecution witnesses or flee away from justice.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the present is a case of alleged commission of offence under Section 304-B IPC and there are allegations of demand of dowry and harassment leading to suspicious death of daughter-in-law, therefore, only on the ground of delay in trial, the applicant is not entitled to grant of bail.

6. The charge sheet prima facie shows that the deceased died of hanging in the matrimonial house. The statement of brother, sister and mother of the deceased prima facie involve the husband in the matter of demand of dowry. As far as mother-in-law is concerned, allegations relate to household work only. In this background and the role alleged to be played by the applicant, considering that the trial is proceeding with snails pace and the applicant has remained in jail for more than one year, she being a lady aged 60 years and does not appear to be in a position to tamper with the prosecution witnesses or flee away from justice and that appropriate condition may be imposed to secure her presence during trial, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.50,000/- along with one local surety of the like amount to the satisfaction of the trial Court. She shall appear before the trial Court regularly on each and every date, unless exempted.

Sd/-

Manindra Mohan Shrivastava
J U D G E