

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.600 of 2015**

1. Hulas Ram S/o Sundar Lal Lodhi Aged About 50 years
2. Smt. Chandrika Bai W/o Hulas Ram Lodhi Aged About 48 Years

Both R/o Village- Bundeli, Police Station & Tahsil- Chhuikhadan, Civil And
Revenue District- Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- **Petitioner****Versus**

State Of Chhattisgarh Through: Station House Officer, Police Station-
Chhuikhadan, District- Rajnandgaon, Chhattisgarh

---- **Respondent**

For Petitioners	:	Shri C. K. Kesharwani, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer
For Objector	:	Shri Suresh Verma, Advocate

Order On Board**28/07/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.183/2015, registered at Police Station–Chhuikhadan, District Rajnandgaon for alleged commission of offence under Sections 304-B of IPC.

2. Case of the prosecution is that in connection with demand of dowry, deceased- Devki Bai was subjected to cruelty soon before her death. Her dead body was found at matrimonial house and she died in suspicious circumstances within a period of seven years from the date of her marriage.

3. Learned counsel for the applicant submits that the applicants, who are mother and father-in-law, have no role to play in the alleged offence. The dispute, if any, was between the deceased and her husband. It is submitted that the applicants are old aged and their custodial interrogation is not necessary. Reliance is placed on a

decision in the case of ***Leela Devi vs. State of M.P.***¹ by submitting that the children of the deceased was also burnt, therefore, they are receiving medical treatment and they also required proper custody.

4. On the other hand, learned State counsel as well as learned counsel for the Objector submits that the diary statements, circumstances of the case and nature of offence makes out a prima facie case against the applicants and other accused.

5. Considering the nature and gravity of allegation, particularly taking into consideration the role alleged to be played by the applicants and the statement of brother, mother and father of the deceased as also proximity of the incident with the alleged demand and cruelty, the application is rejected.

Sd/-
Manindra Mohan Shrivastava
Judge

Tumane

1 1995(1) MPWN 182