NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.3700 of 2015

Udiya Sao W/o Bihari Sao Aged about 55 years, R/o Village – Rengalpali, P.S. & Tahsil-Pussor, Civil & Revenue District – Ragiarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through – Police Station – Pusour, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/08/2015

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 applicant who has been arrested in connection with Crime No.36/2015, registered at Police Station-Pussor, Distt.Raigarh (C.G.), for the offence punishable under Sections 498A and 304B/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of Savita was solemnized with Madhusudan Sao in August, 2010 and thereafter the present applicant along with other co-accused persons started harassing and treated her with cruelty demanding dowry and thereafter co-accused Nathuram Sao poured kerosene oil over her and set her ablaze, by which she suffered death.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that the present applicant is aunt-in-law of the deceased and there are general and omnibus statements against the present applicant. No specific allegation of demand of dowry except general and vague allegation in dying declaration was made by the deceased before the Tahsildar on 11.3.2015. He

would also submit that no specific statement has been made against the present applicant, the applicant being a woman aged about 55 years is in jail since 14.4.2015, charge-sheet has already been filed and no useful purpose will be served by detaining her in jail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 applicant, dying declaration of the deceased in which there are general and omnibus statement against the present applicant and she has been set to fire by co-accused Nathuram Sao, her pre-trial detention, she being a woman and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-