NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.3741 of 2015

1. Dharam Singh S/o Bhaiyalal, Caste-Satnami, aged about 50 years
2. Smt.Mathura Bai W/o Dharam Singh Malhota, aged about 45 years

Both are R/o Village – Dhamni, Police Station – Hasaud, Civil & Revenue District – Janjgir-Champa (CG)

---Applicants

Versus

State of Chhattisgarh, Through-District Magistrate/Station House Officer, Police Station – Hasaud, District – Janjgir-Champa (CG)

---Non-applicant

For Applicants : Mr. Dharmesh Shrivastava, Advocate
For Non-applicant : Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/08/2015

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 applicants who have been arrested in connection with Crime No.60 of 2015, registered at Police Station-Hasaud, Distt.Janjgir-Champa (C.G.), for the offence punishable under Sections 304B, 498A and 109/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of Priyanka Malhotra was solemnized with Sanjeev Malhotra on 25.7.2014 and she committed suicide on 3.4.2015 by pouring kerosene and setting ablaze and ultimately she died on 10.4.2015.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this

case. He would further submit they were father-in-law and mother-in-law of the deceased and were residing separately in Indra Nagar Colony, Tahsil Kotma, Distt. Anuppur, the applicant No.1 is SECL employee and working in UP Mines, Jhiriya and the alleged incident has happened in village where the deceased and her husband were residing, they have not demanded any such amount and there is general and vague statement about the demand, the deceased was suffering from depression and therefore, she committed suicide. Learned counsel would also submit that the applicants have incurred huge expenses in treating her in Apollo Hospital, Bilaspur and therefore, they may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the deceased died within 10 months of her marriage and from the statement of Chaitram, father of the deceased, it is quite vivid that the applicants have also demanded dowry and committed torture and cruelty upon the deceased.

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; their separate residence, also considering the fact the applicant No.1 is working in SECL and residing separately, the applicant No.2 is mother-in-law of the deceased and being a woman and their role in offence in question and the fact that charge-sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicants 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 applicants **Dharam Singh** and **Smt. Mathura Bai** 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

B/-