

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4343 of 2015**

Smt. Triveni Bai Deshmukh, W/o. Balla Ram Deshmukh,
aged about 50 years, R/o. Village Saloni, Police Station
Arjunda, Civil and Revenue District Balod (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through Police of Police Station
Arjunda, Tehsil Gundardehi, District Balod (C.G.)

---- Non-applicant

For Applicant:	Shri Y.C. Sharma, Advocate.
For Non-Applicant	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No.114/2015 registered at Police Station Arjunda, District Balod for the offence punishable under Section 304-B read with Section 34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of Vina Bai (deceased) was solemnized with co-accused – Domar Singh

Deshmukh in the month of April, 2014 and immediately after marriage present applicant and other co-accused person started harassing her and treated her with cruelty in connection with demand of dowry; and out of humiliation and frustration, she poured the kerosene over her body and set herself on fire on 26.04.2015 and due to this incident she died on 02.05.2015.

(3) Counsel for the applicant submits that applicant has not committed any offence and she has been falsely implicated in the offence in question and, as such, she has not been named in the dying declaration of deceased. He further submits that she, being the woman, is languishing in jail since 16.06.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the statements of parents of the deceased namely Smt. Manas Deshmukh & Nageshwar Prasad Deshmukh have been recorded before the court below, in which, they have clearly stated that two-three days before the incident, applicant abused the deceased; and also assaulted her on the date of incident and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the dying declaration of the deceased, in which, she has not named the accused/applicant in the offence in question; and she, being the woman, is in detention

since 16.06.2015; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-