

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4397 of 2015**

Smt. Mahima Yadav, W/o Shri Ramlal Yadav, aged about 55 years, Occupation – Labour, R/o Sweeper Mohalla Ward No. 11 Sarangarh, Police Station – Sarangarh, Civil & Revenue Distt. Raigarh (C.G.)

---- Applicants

Versus

State Of Chhattisgarh through, Station House Officer, Police Station- Sarangarh, Distt. Raigarh (C.G.)

---- Non-applicant

For Applicants:	Shri Awadh Tripathi, Advocate.
For Respondent/State:	Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/2015**

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. 15/2015 registered at Police Station Sarangarh, Distt. Raigarh for the offence punishable under Section 304B/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of deceased Priya Yadav was solemnized with Gajanan @ Sunil

Yadav in the month of April, 2014 and immediately after marriage, present applicant and other co-accused persons started harassing her and treated her with cruelty by demanding dowry and on account of humiliation and frustration, she committed suicide on 23.12.2014.

(3) Counsel for the applicant submits that the present applicant is mother-in-law of the deceased and there is general & omnibus allegation of demanding dowry and treating the deceased with cruelty against the applicant. He further submits that applicant, being the woman aged about 55 years, is languishing in jail since 09.01.2015; charge sheet has already been filed and no useful purpose would be served in detaining her in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail applicant stating that bail application of the co-accused namely Gajanan @ Sunil Yadav has been dismissed by this Court vide order dated 17.06.2015 passed in M.Cr.C. No. 2642/2015 and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; looking the nature and gravity of the case; further considering the general & omnibus allegations against the applicant, who, being a woman, aged about 55 years, is in jail since 09.01.2015; charge sheet has already been filed; and no custodial interrogation is required; 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/-