

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6823 of 2015

1. Smt. Shakuntala W/o Late Rambahadur Aged About 65 Years
R/o Village Rajgamar Colliery, Qtr. No. M 66, P.S. Rajgamar, Distt.
Korba, Chhattisgarh.

2. Smt. Ratna @ Geeta Khanal W/o Deenanath Aged About 35
Years R/o Village Rajgamar Colliery, Qtr. No. M 66, P.S. Rajgamar,
Distt. Korba, Chhattisgarh.

3. Kumari Babali @ Anita Sharma D/o Late Rambahadur Aged
About 32 Years R/o Village Rajgamar Colliery, Qtr. No. M 66, P.S.
Rajgamar, Distt. Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Chirmiri,
Distt. Korba, Chhattisgarh.

---- Respondent

For applicants - Shri Atanu Ghosh, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/12/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 301/2012 registered in Police Station Chirimiri, District Korba (C.G.) for offence punishable under section 304-B/34 of Indian Penal Code.

2. As per the prosecution case on 30/05/2012 Saraswati died because of the burn. The applicant along with other co-accused tortured the deceased for demand of dowry. Consequently, she died because of burning. Co- accused husband Chandra Bahadur was tried and convicted whereas these applicants were absconding. Consequently, in their absence trial was decided.

3. Learned counsel for the applicants submits that the applicants were not aware of the fact that case is pending and therefore after conviction

was made they could know case was pending and the allegations against these applicants are general in nature. He further submits that applicant No.1 is old aged lady aged about 65 years, therefore she may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Taking into fact that applicants were absconding and the argument advanced by learned counsel for the applicants that applicants were not aware of the fact that case is pending cannot be accepted as other co-accused Chandra Bahadur who has been convicted he is son of applicant No.1 and brother of applicants No.2 and 3. However, taking into consideration the fact that applicant No.1 Smt. Shakuntala is old aged lady aged about 65 years, this court is inclined to release the applicant No.1 Smt. Shakuntala on bail.

6. However, in respect of applicants No.2 and 3 namely Smt. Ratna and Kumari Babali, this court is not inclined to release them on bail taking into fact that they were absconding. Accordingly, bail application in respect of applicants No.2 and 3 namely Smt. Ratna and Kumari Babali is dismissed.

7. Accordingly, the bail application in respect of applicant No.1 Smt. Shakuntala is allowed and it is directed that the applicant No.1 shall be released on her furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

