

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2987 of 2015**

- Smt. Shabana Begam W/o Mohd. Riyaz Khan, Aged About 35 years, Occupation – House Wife, R/O Mowa, Behind The Mowa Masjid, Mowa, Post Office Raipur, Police Station Pandri, Raipur, Tah. And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandri, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant: Shri Shivendu Pandya, Advocate.
For Respondent/State: Shri Anupam Dubey, Deputy Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/07/2015**

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. 98/2015 registered at Police Station Pandri, Raipur, District Raipur for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the marriage of deceased – Smt. Rubina Begam was solemnized with Mohd.

Raiysh Khan on 9.10.2014 and soon after marriage applicant & Modd. Raiysh Khan started harassing her in connection with demand of dowry and treated her with cruelty; and out of humiliation and frustration, she had committed suicide by hanging on 27.03.2015 and thereby, committed the aforesaid offence.

(3) Counsel for the applicant submits that applicant is Sister-in-law (Jethani) of the deceased and, as such, applicant has falsely been implicated in the crime in question. He, while referring the statement of Vahida Bengam, sister of the deceased recorded on 28.3.2015, would submit that merely general and omnibus allegation of family dispute has been raised against the present applicant; and mother of the deceased has made statement on 12.4.2015 implicating the present applicant in the offence in question. He further submits that applicant has six months child, who is also in jail along with the applicant; and she, being the woman, is in detention since 12.04.2015; charge sheet has already been filed against the applicant; no useful purpose would be served in keeping her in jail and, therefore, she may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application and submits that the deceased- Smt. Rubina Begam has died within six months of the marriage, as therefore, she is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the role of the present applicant in the offence in question; and the statement of Vahida Begum recorded on 28.03.2015; and the facts that applicant has six months' child, who is also staying in jail along with the applicant; she is languishing in jail since 12.04.2015; 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 ₹ 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.

(7) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-