

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2983 of 2015

- Smt. Tulsi Pandey W/o Tikeshwar Pandey, Aged About 50 years R/o Village Chirhut, PS Kartala, Tah. Kartala, Rev. And Civil Distt. Korba (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kartala, District Korba (C.G.)

---- Respondent

For Applicant:	Shri Sanjeep Dubey, Advocate.
For Respondent:	Shri Om. P. Sahu, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/07/2015

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.59/2015 registered at Police Station – Kartala, District Korba for the offences punishable under Sections 498(A), 304(B)/34 of the Indian Penal Code & Sections 3 & 4 of the Dowry Prohibition Act.

(2) Case of the prosecution, in brief, is that, marriage of deceased Smt. Asmita Pandey was solemnized with Harish Pandey on 14.06.2012 and immediately after marriage present applicant & other co-accused persons treated her with cruelty in connection with demand of dowry and out of

humiliation and frustration, she committed suicide by pouring kerosene oil on her body and setting herself on fire on 19-03-2015.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He further submits that applicant is in jail since 25.04.2015; charge sheet has already been filed against the applicant and no useful purpose would be served in keeping her in jail and, therefore, she may be released on bail.

(4) On the other hand, learned counsel for the State submits that the deceased, in her dying declaration, has directly named the present applicant for the said offence and, therefore, she is not entitled to be released on regular bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the fact that death of deceased – Smt. Asmita Pandey took place within three years of the marriage; and further considering her dying declaration; and the other material collected by the prosecution against the applicant, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-