

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6758 of 2015

1. Dilip, S/o Khelan, Aged About 29 Years.
2. Kunti Bai, W/o Khelan, Aged About 55 Years.

Both are R/o Sindhauri, Police Station Pipariya, Tashil Kawardha,
Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- District Magistrate / Station House
Officer, Police Station - Pipariya, District – Kabirdham, Chhattisgarh

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No.170/2015, registered at Police Station- Pipariya, District Kabirdham (C.G.) for the offence punishable under Sections 498-A, 304/34 of I.P.C.
2. As per the prosecution case, in brief, on 01.07.2015 a report was made by the deceased Rama Sahu that she was married to Dilip and out of the wedlock two children were also born but she was subjected to torture and ultimately she died on 03.07.2015.
3. Learned counsel for the applicants submits that the death was natural death and complainant was not subjected to any torture and she was being treated continuously, however, she did not recovered and she was at her maternal home for last two months

before her death and therefore the offence under Section 304 is not made out; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the deceased, which was made on 01.07.2015. Taking into fact that the matter is still under investigation, at this stage, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge