

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 104 of 2015**

1. Kanhai Yadav, S/o. Tapsi Yadav, aged about 60 years, R/o. Village Shivpur, Vijay Nagar, P.S. Ramanujganj, District Balrampur- Ramanujganj (C.G.).
2. Viphani Devi, W/o. Kanhai Yadav, aged about 55 years, R/o. Village Shivpur, Vijay Nagar, P.S. Ramanujganj, District Balrampur- Ramanujganj (C.G.).

---- Applicants**Versus**

State of Chhattisgarh, Through – Police Station Ramanujganj,
District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicants : Shri A.K. Yadav, Advocate

For Non-applicant: Shri Om Prakash Sahu, Government
Advocate for the State.

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

Heard.

(1) This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.185/2014 registered at Police Station Ramanujganj, District Balrampur Ramanujganj for the offence

punishable under Sections 304(B), 201, 120-B read with Section 34 of the I.P.C.

(2) Case of the prosecution, in brief, is that the marriage of Rampravesh Yadav was solemnized with Smt. Rinku Yadav on 01.05.2013 and she is alleged to have committed suicide on 16.09.2014 by jumping into the well.

(3) Learned counsel appearing for the applicants submits that the applicants have not committed any offence and they are residing separately from deceased Smt. Rinku Yadav and they have no connection with the crime in question. He would further submit that the applicants are in jail since 25.09.2014 and considering the age of the applicants; and applicant No.2/Viphani Devi being a woman, they are entitled to be released on bail.

(4) On the other hand, learned counsel appearing for the State would submit that the applicants with other co-accused have murdered deceased Smt. Rinku Yadav and threw the dead body of the deceased into the well, which is apparent from the perusal of the record in which, death is homicidal in nature and, therefore, the applicants are not entitled for grant of regular bail.

(5) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the fact that Smt. Rinku Yadav has died within one and half year of the marriage and the manner in which her dead body was found inside the well in the house of the applicants, this Court is not inclined to release the applicants on regular bail.

(6) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-