

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5849 of 2015

1. Smt. Gayatri Devi W/o Shivbhajan Rajwade Aged About 50 Years
R/o Village Kalyanpur, Police Station Jainagar, Tehsil Surajpur, Civil
And Rev. Distt. Surajpur Chhattisgarh.

2. Dameshwari Bai D/o Shivbhajan Rajwade Aged About 24 Years
R/o Village Kalyanpur, Police Station Jainagar, Tehsil Surajpur, Civil
And Rev. Distt. Surajpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jainagar, District Surajpur Chhattisgarh.

---- Respondent

For applicants - Shri R.S. Marhas, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/11/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 115/2015 registered in Police Station Jainagar, District Surajpur for offence punishable under section 304-B read with 34 of IPC.

2. As per the prosecution case deceased Basanti consumed phosphate poison on 6/05/2015. Deceased was married to Shankar on 7/05/2009 six years earlier to the date of incident. On investigation the police has registered the case against the mother-in-law and sister-in-law of the deceased Basanti and the charge sheet has been filed.

3. Learned counsel for the applicants submits that the death was committed by consuming poison and at the time of postmortem police has

reported that she wanted to sell some paddy and it was objected by her husband and thereafter on such issue she consumed poison. It is further submitted that subsequently the allegations have been levelled on the mother-in-law and sister-in-law, therefore he submits that actually it was levelled at the time of postmortem and as a result of that applicants are in jail. He also submits that two children of the deceased aged 4 years and 11 months are in jail with applicant No.1 grandmother. He therefore submits that taking into fact that applicants are in jail since 10/07/2015 and charge sheet has been filed, applicants may be released on bail.

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

5. Having regard to the fact that at the time of postmortem it was stated that due to some quarrel of the deceased with her husband regarding sale of paddy she consumed poison and taking into account the fact that allegation of cruelty, demand of dowry and unnatural death has been levelled, subsequently, considering the facts of this case, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them 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 their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

