

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6803 of 2015

Shrimati Firobai Nayak W/o. Late Manoharlal @ Kanhaiyalal Nayak,
Aged About 26 Years, R/o. Nayaktand, Kharora, Police Station-
Kharora, District -Raipur (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Kharora, District Raipur (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Vikram Singh, Advocate
For Respondent/State	:-	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 387/2014, registered at Police Station – Kharora, District- Raipur (C.G.) for the offence punishable under Sections 304 B and 34 of IPC.
2. Case of the prosecution, in brief, is that applicant was the mother in law of the deceased who was married to his son Bholenath 5 to 6 years back of the date of incident. It is alleged that the applicant and the other co-accused subjected to the deceased for cruelty on account of demand of dowry. Therefore, Devika @ Babli died on 11.08.2014. Subsequently, on the complaint of the father of the deceased the present applicant has been arrested.
3. Counsel for the applicant submits that the FIR was registered on 11.07.2015 and the incident took place on 17.08.2014 and during the merg enquiry the statement of the father and mother of the

deceased was recorded and they narrated about the torture and the demand of dowry. He further submits that in the dying declaration the deceased has stated that the burn was caused due to accident and subsequently on 15.2.2015 when the statement was recorded the fact of the commission of crime has been narrated. He further submits that the applicant is innocent and he has been falsely implicated and therefore, she may be enlarged on bail

4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to earlier statement recorded on 09.02.2015 and the dying declaration made by the deceased wherein she specifically stated about the incident and cause, this Court is of the opinion that it is not a fit case where the applicant can be released on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge