

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5252 of 2015**

1. Asharam, son of Peelaram Patel, aged about 53 years,
 2. Hariram Patel son of Asharam Patel, aged about 35 years,
- Both are resident of village Daudandhan, P.S. Bilaigarh, District Baloda Bazar-Bhatapara (CG)

---Applicants**Versus**

State of Chhattisgarh Through: Station House Officer, P.S. Bilaigarh,
District Baloda Bazar-Bhatapara (CG)

---Non-applicant

For Applicants	:	Mr.S.K.Guha, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/10/2015**

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 applicants who have been arrested in connection with Crime No.170/2015, registered at Police Station-Bilaigarh, District-Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Section 304B/34 of the IPC.
2. Case of the prosecution, in brief, is that marriage of Purnima Patel (since deceased) was solemnized with Narsingh Patel on 30.4.2013 and immediately after the marriage the present applicants & co-accused persons started harassing her in connection with demand of motor-cycle and other things; and out of humiliation and frustration, she committed suicide on 30.5.2015 by setting herself ablaze and thereby committed the aforesaid offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime

in question. He would further submit that the applicants are father-in-law and brother-in-law of the deceased and as such, there is no evidence on record to connect the applicants in crime in question except general and omnibus statement made by relatives of the deceased against the present applicants. He would also submit that co-accused Firbai Patel and Chamelibai have been enlarged on bail by this Court vide order dated 18.8.2015 passed in M.Cr.C.No.3740 of 2015 and case of the present applicants is similar to that of the co-accused and therefore, they may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicants demanded motor-cycle from the deceased immediately after the marriage and doubted her character and out of which, she committed suicide and therefore, the applicants are not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in the offence in question; relationship of the deceased with the applicants as they are father-in-law & brother-in-law of the deceased; considering their pre-trial detention; the fact that substantive investigation has already been completed and the fact that bail was granted to co-accused Fir Bai and Chamelibai, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants **Asharam** and **Hariram** shall be released

on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-