

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5242 OF 2015**

1. Mansingh Loniya, aged about 55 years, S/o Tilakram.
 2. Smt. Triveni Loniya, W/o Mansingh, aged about 50 years,
 3. Lakheshwar Loniya S/o Mansingh Loniya, aged about 30 years,
- All resident of village: Ghutku, Loniapara, Police Station Koni, District Bilaspur (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Koni,
District Bilaspur (C.G.)

---Non-applicant

For Applicants	:	Ms. Nirupma Bajpai, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/10/2015**

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. 125/2015, registered at Police Station Koni, District Bilaspur (C.G.), for the offence punishable under Section 340-B/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, marriage of deceased Ambika Bai was sodomized with Ashwani and immediately after marriage, Ashwani and present applicants treated her with cruelty in connection with demand of dowry and out of humiliation and frustration, she committed suicide on 07/06/2015 by pouring kerosene oil upon her, by which, she suffered burn injury and ultimately died.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence in question. He would further submit that main allegation of assault and demanding dowry against Ashwani and there is no allegation against present applicants except general and omnibus allegation against them, who are father-in-law, mother-in-law and brother-in-law of the deceased. He would lastly submit that charge-sheet has been filed and applicants are in jail since 11/07/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that though there is offence of assault against Ashwani but present applicants also harassed her.

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 offence in question; allegation of assault and demanding dowry against Ashwani; charge-sheet has already been filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Mansingh Loniya, Smt. Triveni Loniya and Laksheshwar Loniya, 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 trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE