

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5243 of 2015**

1. Sukhram Patel s/o Chandu Patel, aged about 45 years,
2. Suntibai W/o Sukhram Patel, aged about 42 years,
3. Ku.Mahesiyabai D/o Sukhram Patel, aged about 18 years,

All are R/o Village-Motimpur, Police Station and Tahsil-Bodla, Civil and Revenue District – Kabirdham Chhattisgarh

---Applicants**Versus**

State of Chhattisgarh, Through-District Magistrate/Station House Officer,
Police Station – Bodla, District –Kabirdham (CG)

---Non-applicant

For Applicants	:	Mr.Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr.Anil S. Pandey, 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.115/2015, registered at Police Station-Bodla, District-Kabirdham (CG), for the offence punishable under Sections 306, 304B, 302 and 201/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of deceased Durga Bai was solemnized with son of applicants No.1 and 2 namely Nohar Patel in the month of March-April, 2013 and immediately after the marriage the present applicants started harassing her and treated her with cruelty in connection with demand of dowry and on account of such humiliation and frustration she committed suicide on 21.4.2015 and in alternate, case of the prosecution is that husband of the deceased namely Nohar Patel administered poisonous substance to the deceased and thrown her into the well 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, mother-in-law and sister-in-law of the deceased and there are general and omnibus statement against the present applicants and as such; they have never demanded any dowry as applicant No.1 is father-in-law aged about 45 years, applicant No.2 is mother-in-law aged about 42 years and applicant No.3 is sister-in-law aged about 18 years of the deceased and are in jail since 11.9.2015 and substantive investigation has already been completed 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 manner in which the incident occurred within two years of marriage and the manner in which the applicant maltreated her by which she compelled her to commit suicide/administration of poisonous drug by the husband, it is not a case of grant of 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; the applicants are in-laws of the deceased, their role, their age, allegations against the present applicants are general and omnibus and their pre-trial detention, 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 **Sukhram Patel, Suntibai** and **Ku.Mahesiyabai** 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/-