

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 168 of 2016

1. Anturam Rathiya, S/o. Sukdev, Aged About 50 Years.
2. Smt. Nandai Rathiya, W/o. Anturam, Aged About 48 Years.

Both by Caste- Kanwar, R/o. Village Basmuda, P.S. & Tahsil -
Kharsiya, District – Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Kharsiya,
District – Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. F.S. Khare, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.454/2015, registered at Police Station– Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 498-A & 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicants, who were mother-in-law & father-in-law of the victim Smt. Sita Bai along with their son namely Laxmi Kumar Rathiya i.e. the husband of the victim on a demand of motorcycle tried to set her ablaze.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, as the entire allegations have been attributed to the husband of the victim namely Laxmi Kumar

Rathiya. He further submits that in the FIR the name of these applicants have not been named but subsequently their name have been inculpated, therefore, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement and the FIR. The applicants have not been named in the FIR and in the statement under Section 161, the main allegation is attributed to the husband of the victim. Therefore, considering the allegation against these applicants and taking into the fact that they are in jail since 20.11.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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/-
(Goutam Bhaduri)
Judge