

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2742 of 2016

Firobai Nayak, Aged about 76 Years, W/o. Late Manoharlal Kanhaiya,
R/o. Nayaktand, Kharora, Police Station Kharora, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Kharora, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Vikram Singh, Advocate
For Respondent/ State	:-	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

14/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 187/2015 registered at Police Station- Kharora, District Raipur (C.G.) for the offence punishable under Sections 304B & 34 of the IPC.
2. Case of the prosecution, in brief, is that the deceased Devika @ Babli died on 11.08.2014 and she was subjected to torture for demand of dowry by the applicant and her husband. The marriage of the deceased was solemnized with the applicant five years prior to the date of incident.
3. Counsel for the applicant submits that the dying declaration of the deceased was recorded on 18.8.2014 and the delay was caused in lodging the F.I.R. as incident took place on 17.08.2014. He further submits that under the similar circumstance, the Coordinate

Bench of this High Court has granted bail to Bholenath Nayak @Baba in M.Cr.C. No. 1876 of 2016 on 12.04.2016 and the present applicant is the mother in law of the deceased and no further investigation is necessary and the charge-sheet has been filed. He further submits that the applicant is in jail since 14.07.2015 and on the ground of parity the applicant may be enlarged on bail.

4. On the other hand counsel for the State opposes the prayer for grant of bail.
5. Considering the facts and circumstance of the case, the dying declaration was recorded on 18.08.2014 and the Coordinate Bench of this High Court has granted bail to Bholenath Nayak @Baba in M.Cr.C. No. 1876 of 2016 on 12.04.2016 on same set of facts, therefore, applying the parity of the order and the nature of allegation, this Court is of the opinion, that the present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Goutam Bhaduri)
Judge