

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2679 of 2016**

1. Bhagwat Anant S/o Jugnudas Anant, aged about 26 years.
2. Nirmala Anant W/o Jugnudas Anant, aged about 55 years.

Both R/o village Jalli, Chowki Fasterpur, PS and District Mungeli, Chhattisgarh (Nirmala Anant S/o Jugnudas Anant wrongly mentioned in order dated 21.4.2016)

---- Applicants

versus

State of Chhattisgarh, through Police Chowki Fasterpur, PS Mungeli, District Mungeli, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri A.K.Yadav, Advocate.

For Non-Applicant : Shri Shashank Thakur, Government Advocate.

Hon'ble Shri P. Sam Koshy, J.

Order on Board

08/06/2016

1. This is the first application filed under Section 439 of the CrPC for grant of bail to the Applicants who are in jail since 17.02.2016 in connection with Crime No. 89 of 2016, registered at Police Chowki Fasterpur, Police Station Mungeli, District Mungeli, for the offence punishable under Section 304-B of the Indian Penal Code.
2. Prosecution case, in nutshell, is that on 09.02.2016, the deceased Rameshwari Anant, wife of Applicant No. 1 and daughter-in-law of Applicant No. 2 committed suicide by setting herself ablaze. She died in course of treatment on 11.2.2016. FIR was lodged on 15.02.2016 when the family members of the deceased made statements that she was subjected to cruelty in relation to demand of dowry.
3. Learned counsel for the Applicants submits that the dying declaration of the deceased was recorded on 09.02.2016 in presence of the Executive Magistrate and that in said dying declaratoin, she has not made any allegation against the present Applicants in respect of any demand of dowry. The only

allegation against the present Applicants is that she was being subjected to cruelty and torture alleging her to be involved in the act of performing witchcraft (Tonhi). It is further submitted that even otherwise, the parents of the deceased were present at the time of cremation and also during the time of treatment at the hospital and during this period, no complaint was lodged whatsoever against the present applicants in respect of torture or cruelty. Thus, the applicants may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that the offence alleged against the applicant is serious in nature and the Applicants do not deserve to be released on bail.

5. Having heard learned counsel for the parties, without commenting on merits of the case, taking into consideration the totality of the facts and circumstances of this case more particularly the fact that the Applicants are in jail since 17.02.2016 and also there being no allegation of demand of dowry in the dying declaration of the deceased or being treated with cruelty for demand of dowry, this Court is of the considered opinion that the present is a fit case where the Applicant may be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs. 20,000/- each with one surety of the like sum to the satisfaction of the concerned Trial Court for her appearance as and when directed.

Certified copy, as per rules.

Sd/-

(P. Sam Koshy)
Vacation Judge