

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4679 of 2016

1. Neelam Yadav, aged about 26 years, D/o. Shri Sukhiram Yadav,
 2. Shyam Kunwar, aged about 55 years, W/o. Shri Sukhiram Yadav,
- Both are R/o. Village- Thelkadeeh, P.S. & Tahsil – Khairagarh, District – Rajnandgaon (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : District Magistrate, Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicants	: Mr. P.K.C. Tiwari Sr. Advocate with Mr. Shashibhushan Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

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.236/2016, registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 304-B/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.04.2016 one Varsha committed suicide by setting herself ablaze. It is alleged that the present applicants along with other co-accused used to torture the deceased and used to pass comments for dowry and also for the

fact that the goods, which were given in the dowry were not up to the standard. Subsequently she died unnatural death, thereby the offence has been committed.

3. Learned counsel for the applicants submits that the present applicants are sister-in-law and mother-in-law of the deceased and there has been some dispute in between the husband and the deceased, which resulted into a proceeding under Section 125 of Cr.P.C. as also Domestic Violence Act, which was compromised in the year 2015 and she joined her matrimonial home, however, for some reason, she could not adjust herself and thereafter, she died due to the accident. He further submits no allegation can be attributed against the applicants and in any case the case would not fall under Section 304-B of I.P.C., therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement of mother Laxmi Yadav and the morgue recorded on 22.04.2016 and the statement under Section 161 recorded on 03.07.2016. Considering such statement and the degree of allegation levelled against the applicants, 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 shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- 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/-
(Goutam Bhaduri)
Judge

Balram