

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 98 of 2016

Jhadu Ram Miri S/o Firtu Ram Miri Aged About 75 Years R/o
Saraipali (Uchchabhatthi), Police Station Urga, Tahsil And District
Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Urga, District Korba Chhattisgarh.

---- Respondent

And

MCRC(A) No. 99 of 2016

Smt. Bundri Bai W/o Jhadu Ram Miri Aged About 68 Years R/o
Saraipali (Uchchabhatthi), Police Station - Urga, Tahsil & District
Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station - Urga, District - Korba Chhattisgarh

---- Respondent

For applicants – Shri Anil Tripathi, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/02/2016

1. Both these anticipatory bail applications are decided by this common order as they are arising out of the same crime number.
2. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 265/2015 registered at Police Station Urga, District-Korba (C.G.) for offence punishable under Section 498(A), 304 (B) read with Section 34 of Indian Penal Code.
3. As per the prosecution case deceased Reshma Bai was married to Firat Ram before three years of the date of incident on 12/03/2015. She

died because of poison. It is case of the prosecution that deceased was subjected to cruelty for demand of dowry and she committed suicide.

4. Learned counsel for the applicants submits that deceased herself was troubled because of the fact that she was not able to conceive the child and therefore she has committed suicide. He therefore submits that applicants who are father-in-law and mother-in-law have been falsely implicated in this case and they may be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of anticipatory bail.

6. I have perused the statement of the mother Teerath Bai which was recorded immediately on 12/03/2015 i.e. on date of incident wherein no allegations have been made against these applicants. However, it is stated that her daughter stated that she was not able to conceive the child. I have also perused the FIR wherein general allegations have been made and main allegation appears to have been for the reason that deceased was not able to conceive the child. Taking into such merged statement and the documents, considering the age of applicant Jhadu Ram Miri father-in-law who is aged about 75 years and applicant Smt. Bundri Bai mother-in-law who is aged about 68 years and also taking into fact the primary allegations, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, both the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned

Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE