

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1507 of 2016**

Manohar Agrawal S/o Jugal Kishore Agrawal, aged about 62 years, R/o Pooja Apartment, A-203, Kranti Nagar, Bilaspur, Police Station-Tarbahar, Tahsil & Distt.Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through, Station House Officer, Police Station-Tarbahar, Distt.Bilaspur (CG)

---Non-applicant

And**M.Cr.C.No.1538 of 2016**

Smt.Manju Agrawal W/o Manoharlal Agrawal, aged about 60 years, R/o Pooja Apartment, A-203, Kranti Nagar, Bilaspur, Police Station-Tarbahar, Tahsil & Distt.Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through, Station House Officer, Police Station-Tarbahar, Distt.Bilaspur (CG)

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/03/2016

1. Since the aforesaid two bail applications are arising out of the same crime number i.e. Crime No.271/2015, they are being disposed of by this common order.

2. These are the first bail applications 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.271/2015, registered at Police Station-Tarbahar, Bilaspur, District-Bilaspur (CG), for the offence punishable under Sections 498A and 304B read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that marriage of Sapna Rani Agrawal (since deceased) was solemnized with Milan Agrawal on 24.5.2015 and on account of cruelty extended by the present applicants and co-accused persons she committed suicide on 16.9.2015 by burning.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants are father-in-law and mother-in-law of the deceased, the deceased started residing separately w.e.f. 3.8.2015 with her parents and committed suicide on 16.9.2015 in her parental house and in between 3.8.2015 to 16.9.2015 there is no such communication between the deceased and the applicants. He would also submit that there is delay of more than one month in lodging the F.I.R. by the deceased as she was residing separately since 3.8.2015, the applicants are in jail since 11.11.2015 and charge-sheet has already been filed and therefore, they may be released on bail.

5. On the other hand, learned counsel for the State would oppose the bail applications and submit that within four months of marriage the deceased committed suicide but confirms the fact that she was residing in her maternal house since 3.8.2015 to 16.9.2015.

6. I have heard learned counsel appearing for the parties and

perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, age of the applicants as 62 and 60 years, applicant-Smt.Manju Agrawal being a woman, extent of delay in lodging the F.I.R., considering the fact that the deceased was residing separately with her parents w.e.f. 3.8.2015, no F.I.R. is said to have been lodged from 3.8.2015 to 16.9.2015 regarding cruelty and suicide was committed by her in her parental house, main allegation is against her husband & brother of husband and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-