

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1751 of 2016**

1. Kullu Kumhar, S/o late Huda Kumhar, aged about 60 years.
2. Kuniya @ Huniya, W/o Kullu Kumhar, aged about 55 years.

Both are resident of Jhingo, Police Station and Tahsil Rajpur, District Balrampur-Ramanujganj, Civil District Surguja, Revenue District Balrampur (CG).

---- Applicants**Versus**

State of Chhattisgarh, through S.H.O, Police Station Rajpur, District Balrampur-Ramanujganj (CG).

---- Non-applicant

For Applicants : Shri A.K. Prasad, Advocate
 For Non-applicant : Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

30/03/2016**(1)** Heard.

(2) 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 on 20.10.2015 in connection with Crime No.152/2015, registered at Police Station Rajpur, District Balrampur-Ramanujganj, for the offence punishable under Section 304-B/34 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that, marriage of Kusumpati (since deceased) was solemnized with Rajan in the month of May, 2014 and immediately after the marriage, the present applicants started harassing her in connection with demand of dowry and treated

her with cruelty and ultimately, she committed suicide on 05.10.2015 by pouring kerosene oil over her and setting herself on fire and, thereby, they have committed the aforesaid offence.

(4) Learned counsel appearing for the applicants submits that the present applicant No.1-Kullu Kumhar is father-in-law and applicant No.2- Smt. Kuniya @ Huniya is mother-in-law of the deceased Kusumpati and they are aged about 60 and 55 years, respectively. He further submits that there are general and omnibus allegations against the applicants, they have not committed any offence, charge-sheet has already been filed and they are in jail since 20.10.2015, therefore, they may be released on bail.

(5) By relying upon the dying declaration of the deceased, learned counsel for the State submits that the deceased was harassed by the applicants by demanding dowry.

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the facts and circumstances of the case, nature and gravity of offence, role of the applicant No.1-Kullu Kumhar and taking into account the marriage of the deceased was solemnized with Rajan in May, 2014 and the deceased committed suicide on 06.10.2015 i.e. within one and half years from marriage, I do not consider it a fit case for grant of bail to the applicant No.1- Kullu Kumhar. Consequently, the bail application on behalf of applicant No.1-Kullu Kumhar is rejected. However, considering the age of the applicant No.2-Kuniya @ Huniya, being a woman aged about 55

years, evidence available on record and the fact that the charge-sheet has already been filed, this Court is of the view that it is a fit case to release the applicant No.2-Kuniya @ Huniya on bail. Accordingly, the bail application on behalf of applicant No.2-Kuniya @ Huniya is allowed.

(8) It is directed that applicant No.2 namely Kuniya @ Huniya shall be released on bail on her 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. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(9) Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-