

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1994 of 2016

Rukesh Kumar Bhagat, S/o. Shri Shatrughan Bhagat, Aged About 25 Years, R/o. I.T.I. Rampur Basti, Chowki Rampur, District Korba (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, Chowki Rampur, P.S. Kotwali, Korba, District Korbar (Chhattisgarh)

---- Respondent

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MCRC No. 1998 of 2016

Smt. Lalita Prasad, W/o. Mukesh Prasad, Aged About 25 Years, R/o. Veer Sivakar Nagar Heerapur, Raipur, District Raipur, Chhattisgarh. At Present Ward No. 34, Rampur Basti, Chowki Rampur, District Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, Chowki Rampur, P.S. Kotwali, Korba, District Korbar (Chhattisgarh)

---- Respondent

For Applicants : Mr. Raghavendra Pradhan, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.06.2016

1. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.443/2015, registered at Chowki Rampur, Police Station Kotwali, Korba, District Korba (C.G.) for the offence punishable under Section 304-B, 306, 498-A/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that the deceased Khushbu was married to one Rakesh Kumar Bhagat on 24.05.2008 and thereafter two child were born and she was subjected to torture by the in-laws i.e. husband, mother-in-law, sister-in-law and brother-in-law. Consequently, she committed suicide by set herself ablaze along-with her children. She was subjected to cruelty as the money was demanded for treatment of eyes which was being spent by the in-laws; thereby the offence is committed.
3. Learned counsel for the applicants submits that the applicant Rukesh Kumar Bhagat is brother-in-law and the applicant Smt. Lalita Prasad is sister-in-law of the deceased and general allegations have been attributed against them and the deceased had committed suicide because of some eye problem occurred on her and she was not able to see properly. He further submits that the applicants have been falsely implicated in this case as the sister-in-law namely Smt. Lalita Prasad was also married and was residing elsewhere; therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the father & mother of the deceased namely Raju Prasad & Meera Devi. The marriage was in the year 2008 and out of the wedlock two child were born who also died. Considering the statement and the level of allegation made against the applicant Rukesh Kumar Bhagat, who is brother-in-law and applicant Smt. Lalita Prasad who is sister-in-law of the deceased, I am inclined to release the applicants on bail.

6. Accordingly, both the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok