HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7303 of 2015

Anita Mahis, wife of Hansraj Mahis, aged about 32 years, resident of Telikot, Tahsil and PS Kharsia, Civil and Revenue District Raigarh (C.G)

… **Applicant**

Vs.

State of Chhattisgarh through the Station House Officer, P.S. Kharsia, District Raigarh (C.G).

… **Respondent**

For the applicant : Mr. Abhishek Saraf, Advocate.
For the Respondent : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime/Istgasa No. 467/2015 registered at Police station Kharsia Distt. Raigarh (C.G) for the offences punishable under Sections 304-B, 498(A) & 306 (34) IPC.
2. As per the prosecution case, one Pramila committed suicide by burning herself because she was subjected to torture by Hansraj Mahis, husband of the present applicant Anita Mahis who is the first wife. It is the prosecution case that since the children were not born from the present applicant, deceased Pramila was married to Hansraj and out of such marriage, two children were born. It is alleged that after birth of children, the deceased was subjected to cruelty and therefore, she ultimately committed suicide.
3. Learned counsel for the applicant submits that neither the applicant has abetted the crime nor has subjected the deceased to torture. He further submits that no allegations have been attributed to this applicant by the mother of deceased and the entire allegations have been attributed to the husband Hansraj and she has been falsely

implicated in this case.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the merg diary statements. A perusal of the case diary would show that the allegations are primarily attributed to Hansraj, the husband of deceased, which have been made by the mother of deceased.
6. Considering the nature of allegations against this applicant and looking to the period of detention as she is stated to be in jail since 05.10.2015, I am inclined to release her on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on her furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She will appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao