

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2228 of 2016**

Smt. Parvati Devi aged about 70 years wife of Shriram Swarup Dubey caste Brahman Occupation House Wife R/o village Chachiya P.S. Kartala District Korba (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Kartala District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Uttam Pandey, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/05/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 11/2016, registered at Police Station Kartala, District Korba (C.G.), for the offence punishable under Sections 498-A & 304-B/34 of the I.P.C.

2. Case of the prosecution, in brief, is that, marriage of

the deceased Pinki was solemnized with the applicant's son Ambika Prasad Dubey @ Rohit on 20/05/2013 and immediately thereafter, the applicant and other co-accused persons started harassing her with cruelty on the demand of dowry and on that count, she committed suicide on 19/10/2015 by pouring kerosene oil and setting fire into her body and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit applicant is mother-in-law of the deceased, aged about 70 years. He would further submit that there is general and omnibus statement against the present applicant and there is no evidence of harassment and demand of dowry against the present applicant. He would lastly submit that charge sheet has been filed and applicant is in jail since 22/01/2016 therefore, she may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that death occurred within 1½ years of the marriage.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances

of the case; further taking into consideration the nature and gravity of offence; role of the applicant evidence available in the case diary; she is mother-in-law of the deceased, aged about 70 years; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge