

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2639 of 2016

1. Smt. Ratna @ Geeta Khanal, W/o. Deenanath, aged about 35 years,
2. Kumari Babli @ Anita Sharma, D/o. Late Rambahadur, aged about 32 years,

Both are R/o. Village- Rajgamar Colliery, Qtr. No. M 66, P.S. Rajgamar, Revenue & Civil District – Korba (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O. - Police Station - Chirmiri, District – Koriya (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Atanu Ghosh, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2016

1. This is the second 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 in connection with Crime No.301/2012, registered at Police Station – Chirmiri, District – Koriya (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 30.05.2012 Saraswati died because of the burn. The applicant along with other co-accused tortured the deceased for demand of dowry. Consequently, she died because of burning. Co-accused husband, Chandra Bahadur was tried

and convicted whereas these applicants were absconding. Consequently, in their absence trial was decided.

3. Learned counsel for the applicants submit that the applicants are in jail since 05.10.2015 and still the trial has not commenced as one of the co-accused, who have been convicted has filed an appeal and the appeal is pending adjudication, therefore, enormous delay would be caused, and therefore, the applicants being a lady may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Earlier the bail application was dismissed on 09.12.2015 and the copy of the order sheet, which is filed alongwith the instant bail application, shows that still the charge has not been framed and the trial has not commenced. Considering the fact that the applicants are in jail since 05.10.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge