

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3640 of 2016

- Smt. Bodhani Bai W/o Late Ghasi Ram Patel Aged About 56 Years R/o Village Khopali, P.S. Utai, Tahsil & District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Utai, District Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. N.S. Dhurandhar, Advocate
For the Respondent	:	Mr. Neeraj Kumar Sharma, P. L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 11 of 2016 registered at P.S. Utai, Distt. Durg (C.G) for the offence punishable under Sections 304-B/34 IPC.
2. As per the prosecution case, a report was lodged by the mother of deceased that her daughter was subjected to cruelty for demand of dowry therefore she committed suicide on 11.12.2015 that is within 7 years of marriage. According to the prosecution case, deceased Kavita Patel was married to Pawan Patel on 01.05.2015 and the death of both wife and husband was caused by committing suicide in suspicious circumstances.
3. Learned counsel for the applicant submits that both the husband and wife have committed suicide which would be evident from the note Annexure -A/2 wherein no allegations have been attributed to any one, therefore, no offence is

made out against the applicant. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 03.03.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary which shows that both the husband and wife committed suicide by hanging. The case diary also contains a death note which was seized wherein no allegations have been attributed to this applicant by the deceased. Taking into such note of the deceased, without any observation on merits of the case, I am inclined to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE