

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4487 of 2016

1. Prem Lal Patel, S/o. Bijram Patel, aged about 23 years,
2. Bijram Patel, S/o. Fudaru Ram Patel, aged about 45 years,
3. Lakshan Bai, W/o. Bijram Patel, aged about 42 years,

All are R/o. Village- Kapsiya Khurd, P.S. - Takhatpur, District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Takhatpur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. B.M.K. Bajpai, Advocate with Mr. Sunil Verma, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/08/2016

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 applicants who have been arrested in connection with Crime No.75/2016, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 304-B/34 & 302/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Uma Bai sustained burn injuries on 10-11/02/2016 and died because of burn injuries. It is alleged that the applicant No.1, Prem Lal Patel, who is the husband and the applicant No.2 and 3, who are father-in-law and mother-in-law of the deceased, Uma Bai have treated the deceased

with cruelty for demand of dowry. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the initially the statement of Ganeshari Bai and father of the deceased would show that relation in between the applicants and the deceased was very cordial and only the applicant No.1 after consuming the liquor used to beat the deceased and the deceased after the child was born, she was taken to her maternal home, wherein she stayed there and after intervention of the Panchayat, she came to the house of the applicant and the statement would show that no demand of dowry was made and it was pure case of accident, which was disclosed by the deceased to the neighbors, who immediately came after the incident. Therefore, the counsel prays that the applicants may be enlarged 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. Perused the statement of Ganeshari Bai, which was recorded on 11.02.2016 as also the statement of Budhram Patel, the father of the deceased, wherein primary allegations have been attributed to the applicant No.1, Prem Lal Patel and it is stated that after consumption liquor, the husband, Premlal used to torture her. It is further stated that the applicant No.1 demanded motor cycle and used to beat the deceased. Considering the statement I am not inclined to release the applicant No.1, Prem Lal Patel on bail.

However, with respect to the allegation attributed to the applicants No.2 & 3, this Court is of the opinion that present is a fit case, in which, the applicants No.2 and 3 should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.2, Bijram Patel and applicant No.3, Lakshan Bai is allowed and the bail application in respect of the applicant No.1, Prem Lal Patel is dismissed.
8. It is directed that applicants No.2, Bijram Patel and No.3, Lakshan Bai 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