

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4987 of 2016

- Smt. Rahi Bai W/O Ramnath Dhankar Aged About 55 Years R/O. Gandhi Chowk, Ward No. 09, P.S. Patan, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Office, P.S. Patan, District Durg Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 7-4-2016 in connection with Crime No. 3 of 2016, registered at Police Station Patan, District Durg (CG) for the offence punishable under Section 304-B/34 of the IPC.
2. Case of the prosecution, in brief, is that the deceased Nirmala Bai was married to Brijnadan on 20-4-2010 and subsequently, she was subjected to torture for demand of dowry by the applicant and other co-accused, thereby she committed suicide by setting herself ablaze on 18-12-2015.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated only on the allegation that the applicant along with other co-accused used to abet Brijnandan who was the husband of the deceased and generation allegations have been attributed to the present applicant and it is specifically alleged

that husband of the deceased after consuming liquor used to torture the deceased, therefore, no case is made out against the applicant. He would further submit that charge-sheet has been filed in this case, she is in jail since 7-4-2016 and no further investigation is required, therefore, the applicant may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the morgue statements of Krishna Pal and Kumari Bai, who are parents of the deceased.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statements of the parents of the deceased, without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on her 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju